UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re application of
Oh-Seob Noh et al.
Application No. 12/067,435
Filed: March 19, 2008
Attorney Docket Number: B-6430PCT
624742-2

ON PETITION

This is a decision on the petition filed August 7, 2009 under 37 CFR 1.182 to correct the assignee data on the Issue Fee Transmittal. The petition being treated as a request under 37 CFR 3.81(b)[1]

The petition under 37 CFR 3.81 is **DISMISSED**.

The Issue Fee Transmittal (PTOL-85B) was filed listing two assignees. Petitioner files the instant petition on even date with the Issue Fee Transmittal and payment of the Issue Fee, arguing that there is only one assignee and that the Issue Fee Transmittal incorrectly identified the assignee. The petition is filed to correct the information provided under ASSIGNEE NAME AND RESIDENCE DATA on form PTOL-85B.

Even though the instant petition is filed on even date with the payment of the issue fee, chronologically, the petition is filed after the payment of the issue fee. It is noted that when a request to issue a patent to an assignee is filed after payment of the issue fee, a certificate of correction must be submitted as there is no time to process these requests before a patent is issued. See 69 Fed. Reg. 29865 (May 26, 2004).

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] *See* Official Gazette of June 22, 2004

§ 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 instant request was not submitted with a petition under 37 CFR 3.81 and request for a certificate of correction (PTO/SB/44) as required by 37 CFR 1.323 (and fee) as required by 3.81(b) and thus is not grantable.

Deposit account no. 12-0415 has been charged in the amount of $130 for the petition under 37 CFR 3.81 pursuant to the authorization contained in the petition.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

COPY MAILED

NOV 09 2009

OFFICE OF PETITIONS

In re Patent No. 7,603,956
Issued October 20, 2009
Application No. 12/067,435
Filed: March 19, 2008
Attorney Docket Number: B-6430PCT
624742-2

ON PETITION

This is a decision on the petition, filed October 9, 2009, under 37 CFR 3.81(b)[1] to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

The petition claims that the assignment data included in the PTOL-85B filed August 7, 2009 incorrectly identified two assignees. Accordingly, petitioner requests that a certificate of correction be issued to remove the second assignee and correct the information on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

Office assignment records reflect that at the time the issue fee was paid, only one assignee existed, KOREA: RURAL DEVELOPMENT ADMINISTRATION. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

---

[1] *See* Official Gazette of June 22, 2004

Per the authorization the fee for the certificate of correction has been charged to petitioner's credit card. Petitioner's deposit account has been charged for the petition, fee in the amount of $130.00 .

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

11 AUG 2008

United States Patent and Trademark Office

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

PHARMACIA CORPORATION
GLOBAL PATENT DEPARTMENT
POST OFFICE BOX 1027
ST. LOUIS MO 63006

In re Application of	:	
Wang et al.	:	
Application No.: 12/067,436	:	
PCT No.: PCT/US2006/023742	:	
Int. Filing Date: 19 June 2006	:	DECISION
Priority Date: 17 June 2005	:	
Attorney Docket No.: PC19603A	:	
For: Anchored Transferrin Fusion Protein Libraries	:	

The petition to revive under 37 CFR 1.137(b) filed on 19 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, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:	
BORGLUM et al.	:	
Serial No.: 12/067,443	:	DECISION ON
PCT App. No.: PCT/DK05/00693	:	
Int'l Filing Date: 27 October 2005	:	RENEWED PETITION
Priority Date: 27 October 2004	:	
Attorney Docket No.: HOI-21102/16	:	UNDER 37 CFR 1.137(b)
For: DIAGNOSIS AND TREATMENT OF	:	
IMMUNE-RELATED DISEASES	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(f) filed 19 March 2008 in the above-captioned application in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.137(b) per applicant's indication on the PTO/SB/64a, stating "Pursuant to 37 CFR 1.137(f), Applicant hereby petitions for revival of this application under 37 CFR 1.137(b)". Copies of the petition were refiled on 07 and 15 July 2008.

BACKGROUND

On 27 October 2005, applicant filed international application PCT/DE06/00693 which claimed priority to an earlier application filed 27 October 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 April 2007.

On 19 March 2008, applicant filed an electronic request via EFS-WEB for entry into the U.S. national stage along with a petition to revive without the requisite petition fee. Applicant refiled a copy of the petition along with the petition fee on 15 July 2008.

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.

Petitioner satisfied Items (1) with the payment of the basic national fee. With regard to Item (2), the petition fee was paid on 15 July 2008. Item (3) was satisfied with the statement of unintentional delay.

CONCLUSION

For the reasons above, applicant's petitions under 37 CFR 1.137(b) is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

AUG 26 2009

OFFICE OF PETITIONS

In re Application of
NAJAFI, Ramin et al.
Application No. 12/067,452
Filed: October 29, 2009
Attorney Docket No. **09164-0011**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED** because it is 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 July 29, 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: **HDC LLP**
3239 EL CAMINO REAL, SUITE 220
PALO ALTO CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

27 MAY 2008

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

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

In re Application of ELLA et al	:	
U.S. Application No.: 12/067,458	:	
PCT Application No.: PCT/IN2006/000246	:	
Int. Filing Date: 13 July 2006	:	DECISION
Priority Date Claimed: 14 July 2005	:	
Attorney Docket No.: CLGI-00101-NUS	:	
For: A VACCINE FOR STAPHYLOCOCCAL INFECTIONS	:	

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 19 March 2008.

BACKGROUND

On 13 July 2006, applicant filed international application PCT/IN2006/000246, which claimed priority of an earlier India application filed 14 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 18 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 14 January 2008.

International application PCT/IN2006/000246 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 March 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

03 APR 2008

00535
K.F. Ross P.C.
5683 Riverdale Ave.
Suite 203, Box 900
Bronx, NY 10471-0900

In re Application of :
ROSSATO, Silvano :
U.S. Application No.: 12/067,475 :
PCT No.: PCT/IB2006/002489 :
Int. Filing Date: 11 September 2006 :
Priority Date: 15 September 2005 :
Attorney Docket No.: 24175 :
For: METHOD AND APPARATUS FOR TREATING WASTES, PARTICULARLY OF A BIOLOGICAL AND DOMESTIC ORIGIN :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 20 March 2008 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 8 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of: TONERY, David
U.S. Application No.: 12/067,484
PCT No.: PCT/GB2006/003482
International Filing Date: 19 September 2006
Priority Date: 23 September 2005
Atty Docket No.: TOND101NUS
For: AIR INTAKE SYSTEM

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 21 July 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 23 March 2008 based on applicant's failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date. On 17 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) confirming abandonment.

The present petition for revival was accompanied by payment of the small entity petition fee and the "required reply" in the form of 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, on 22 April 2008, applicants' filed an executed declaration, and applicant's 21 July 2008 submission included payment of 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 21 July 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

17 MAR 2009

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

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

In re Application of	:	
SHERRY	:	DECISION ON PETITION
Serial No.: 12/067,507	:	
PCT No.: PCT/GB06/03297	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 07 September 2006	:	
Priority Date: 22 September 2005	:	
Atty Docket No.: 22900-759US1	:	
For: COMPOSITION COMPRISING A NSAID AND PARACETAMOL	:	

This decision is in response to the "Petition Under 37 C.F.R. §1.47(b)" filed 12 January 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 September 2006, applicant filed international application PCT/GB06/03297 which claimed priority to an earlier U.S. application filed 22 September 2005. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 29 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 22 March 2008.

On 20 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) and a preliminary amendment. An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 10 July 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $130.00 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 12 January 2009, applicant responded with the present petition accompanied by a petition for a four-month extension of time and payment of the extension of time fee. The petition is therefore considered timely filed.

On 27 February 2009, applicant was mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903).

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 not provided proof of proprietary interest. Applicant has not provided a signed assignment document from inventor Sherry to Boots Healthcare International Limited. MPEP 409.03(f) provides for cases where a signed assignment is not present:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

As to the responsibilities of the inventor under his employment contract, MPEP 409.03(f) explains that in cases where an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b):

> a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The present petition and supporting exhibits do not provide any firsthand account of the circumstances in which the conditions of the employment agreement may have been satisfied. In addition, a copy of the referenced employee handbook has not been included.

Thus, applicant has not satisfied this item.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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

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

In re Application of	:	
SHERRY	:	DECISION ON PETITION
Serial No.: 12/067,507	:	
PCT No.: PCT/GB06/03297	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 07 September 2006	:	
Priority Date: 22 September 2005	:	
Atty Docket No.: 22900-759US1	:	
For: COMPOSITION COMPRISING A NSAID AND PARACETAMOL	:	

This decision is in response to the "Renewed Petition Under 37 C.F.R. §1.47(b)" filed 17 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 March 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 and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 17 August 2009, applicant responded with the present petition accompanied by a petition for a three-month extension of time and payment of the extension of time fee. The petition is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 17 March 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).

As to item (5), MPEP 409.03(f) provides for cases where a signed assignment is not present:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent

jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Applicant has presently provided a legal memorandum from Mr. Christopher Bradley James Turnbull, a solicitor qualified in the practice of law for England and Wales detailing his opinion that a court of competent jurisdiction would conclude a proprietary interest exists for the 37 CFR 1.47(b) applicant in the current application. As such, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 07 September 2006 under 35 U.S.C. 363, and will be given a date of **12 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(a) will be published in the Official Gazette.

The Form PCT/DO/EO/903 previously mailed 27 February 2009 indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 January 2009 remains in effect.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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

Dr. Robert M. Sherry
18 Raeburn Drive
Toton, Nottingham
NG9 6LF
UNITED KINGDOM

In re Application of
SHERRY
Serial No.: 12/067,507
PCT No.: PCT/GB06/03297
Int. Filing Date: 07 September 2006
Priority Date: 22 September 2005
Atty Docket No.: 22900-759US1
For: COMPOSITION COMPRISING A NSAID AND PARACETAMOL

Dear Dr. Sherry:

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

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

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022
UNITED STATES OF AMERICA

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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

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

In re Application of	:	
SHERRY	:	DECISION ON PETITION
Serial No.: 12/067,507	:	
PCT No.: PCT/GB06/03297	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 07 September 2006	:	
Priority Date: 22 September 2005	:	
Atty Docket No.: 22900-759US1	:	
For: COMPOSITION COMPRISING A NSAID AND PARACETAMOL	:	

This decision is in response to the "Renewed Petition Under 37 C.F.R. §1.47(b)" filed 17 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 March 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 and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 17 August 2009, applicant responded with the present petition accompanied by a petition for a three-month extension of time and payment of the extension of time fee. The petition is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 17 March 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).

As to item (5), MPEP 409.03(f) provides for cases where a signed assignment is not present:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent

jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Applicant has presently provided a legal memorandum from Mr. Christopher Bradley James Turnbull, a solicitor qualified in the practice of law for England and Wales detailing his opinion that a court of competent jurisdiction would conclude a proprietary interest exists for the 37 CFR 1.47(b) applicant in the current application. As such, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 07 September 2006 under 35 U.S.C. 363, and will be given a date of **12 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(a) will be published in the Official Gazette.

The Form PCT/DO/EO/903 previously mailed 27 February 2009 indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 January 2009 remains in effect.

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

28 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

BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

In re Application of	:	
AUWETER, Helmut, et al.	:	
Application No.: 12/067,530	:	DECISION ON
PCT No.: PCT/EP2006/066341	:	
Int. Filing Date: 14 September 2006	:	PETITION
Priority Date: 23 September 2005	:	
Attorney Docket No.: BASF.10293WOUS	:	UNDER 37 CFR 1.181
For: NOVEL AGROCHEMICAL FORMULATIONS	:	

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on 27 May 2009.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 22 May 2009 issued in error. It was withdrawn by Notice mailed 21 July 2009.

As the abandonment has been withdrawn, this petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459

2 8 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

In re Application of: BRONSON et al.	:	DECISION
U.S. Application No.: 12/067,609	:	
PCT Application No.: PCT/US2006/31503	:	ON
Int. Filing Date: 11 August 2006	:	
Priority Date: 12 August 2005	:	PETITION
Atty Docket No.: 150-128	:	
For: Shielded Source Detection and Activity Correction System	:	UNDER
	:	
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 20 March 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.

Katherine Moran
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

25 MAR 2009

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

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

In re Application of PETERSON et al	:	
U.S. Application No.: 12/067,638	:	
PCT Application No.: PCT/EP2005/010371	:	
Int. Filing Date: 22 September 2005	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 067670-5026US	:	
For: ADHESIVE COATED FABRICS SUITABLE FOR USE IN COMPOSITE MATERIALS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 17 February 2009.

BACKGROUND

On 22 September 2005, applicant filed international application PCT/EP2005/010371. A copy of the international application was communicated to the USPTO from the International Bureau on 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2008.

On 20 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 17 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 February 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor. However, the declaration executed by inventor Lee Bateup is not acceptable because it contains non-initialed, non-dated alterations. See MPEP 602.01 and 37 CFR 1.52(c).

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

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

The petition states that joint inventor Martin Spooner has failed to sign a declaration. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor Spooner for signature (see Exhibits A, B, and C). The petition further shows that the papers were successfully delivered (see Exhibits II and V). Additionally, the petition sufficiently illustrates that inventor Spooner refuses to sign. Specifically, inventor Spooner's non-response to the letters and a voicemail message constitute a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor Spooner refuses to join in the application.

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

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

CONCLUSION

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

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JUL 2009

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

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

In re Application of PETERSON et al	:	
U.S. Application No.: 12/067,638	:	
PCT Application No.: PCT/EP2005/010371	:	
Int. Filing Date: 22 September 2005	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 067670-5026US	:	
For: ADHESIVE COATED FABRICS SUITABLE FOR USE IN COMPOSITE MATERIALS	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 18 May 2009.

BACKGROUND

On 22 September 2005, applicant filed international application PCT/EP2005/010371. A copy of the international application was communicated to the USPTO from the International Bureau on 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2008.

On 20 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 17 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 February 2009, applicant filed a petition under 37 CFR 1.47(a).

On 25 March 2009, this Office mailed a decision dismissing the 17 February 2009 petition.

On 18 May 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, the renewed petition includes a proper declaration signed by Lee Bateup on his/her own behalf and on behalf of the nonsigning inventor. Petitioner has previously provided a declaration executed by the other available inventor on his own behalf and on behalf of the nonsigning inventor.

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 22 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 May 2009.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

14 JUL 2009

Martin William John Spooner
Robinson House, 19 Newbury St.
Whitchurch, RG287DV
UNITED KINGDOM

In re Application of PETERSON et al
U.S. Application No.: 12/067,638
PCT Application No.: PCT/EP2005/010371
Int. Filing Date: 22 September 2005
Priority Date Claimed: none
For: ADHESIVE COATED FABRICS SUITABLE FOR USE IN COMPOSITE MATERIALS

Dear Martin William John Spooner:

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

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

Bryan Lin

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

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023
Attorney Docket No.: 067670-5026US

UNITED STATES PATENT AND TRADEMARK OFFICE

18 DEC 2008

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

PATRICK D. KELLY
11939 MANCHESTER #403
ST. LOUIS MO 63131

In re Application of:
MANSMANN, Kevin, A. et al.
U.S. Application No.: 12/067,654
Int'l Application No: PCT/US2005/043444
Int'l Filing Date: 30 November 2005
Priority Date: 30 November 2004
Atty Docket No.: KM-NYT-PCT
For: ANCHORING SYSTEMS AND INTERFACES FOR FLEXIBLE SURGICAL IMPLANTS FOR REPLACING CARTILAGE

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to the Petition for Revival under 37 CFR 1.137(b) filed on 28 October 2008. Applicants have paid the required petition fee.

BACKGROUND

On 30 November 2005, applicants filed international application PCT/US2005/043444. The application claimed a priority date of 30 November 2004, and it designated the United States. The deadline for entering the national stage in the U.S. and submitting the U.S. basic national fee was thirty months from the priority date, i.e., 30 May 2007.

Applicants did not request entry into the U.S. national stage and submit payment of the U.S. basic national fee prior to the expiration of the thirty month deadline. Accordingly, international application PCT/US2005/043444 became abandoned with respect to the United States as of midnight on 30 May 2007 (see 37 CFR 1.495(h)).

On 21 March 2008, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 21 July 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 was required.

On 27 October 2008, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein, accompanied by declaration documents executed by the two inventors of record.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). It is noted that item (4) does not apply to the present application.

With respect to item (1), the "required reply" here was the request for entry into the U.S. national stage and payment of the U.S. basic national fee. As noted above, these materials were filed by applicants on 21 March 2008. Applicants have therefore filed the "required reply." Item (1) is therefore satisfied.

With respect to item (2), applicant has paid the required petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition includes the required 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," as well as a "Statement of Reasons for Unintentional Delay" briefly discussing the details of the delay herein. Item (3) is therefore satisfied.

Based on the above, applicants have satisfied the requirements for a grantable petition for revival under 37 CFR 1.137(b). Revival of the international application is therefore appropriate.

It is noted that the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed on 21 July 2008 (requiring submission of an oath or declaration in compliance with 37 CFR 1.497) was issued in error, in that the present application was abandoned at the time for failure to timely submit the basic national fee. Such Notification is therefore appropriately vacated. In addition, it is noted that applicants' present submission included executed declarations in compliance with 37 CFR 1.497.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **GRANTED**.

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 21 July 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. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 October 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

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.
12/067,696	03/21/2008	Naotaka Kinjo	072715	3353

38834 7590 04/08/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
04/08/2010	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):

patentmail@whda.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

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

In re Application of
KINJO et al.
Application No.: 12/067,696 : **DECISION ON REQUEST TO**
Filed: 21 March 2008 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: 072715 : **PROSECUTION HIGHWAY**
For: LIQUID CRYSTAL PANEL AND : **PROGRAM AND PETITION**
LIQUID CRYSTAL DISPLAY : **TO MAKE SPECIAL UNDER**
APPARATUS : **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 23 March 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 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).

Conditions (1) and (3) - (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2).

Regarding the requirement of condition (2), a copy to the allowed Japanese claims has not been submitted. A translation of the claims and a certificate of translation have been received

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to 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.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/067,696	03/21/2008	Naotaka Kinjo	072715	3353

38834 7590 05/28/2010

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

EXAMINER	
NELMS, DAVID C	

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

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

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

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

patentmail@whda.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

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

In re Application of
KINJO et al.
Application No.: 12/067,696 : **DECISION ON REQUEST TO**
Filed: 21 March 2008 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: 072715 : **PROSECUTION HIGHWAY**
For: LIQUID CRYSTAL PANEL AND : **PROGRAM AND PETITION**
LIQUID CRYSTAL DISPLAY : **TO MAKE SPECIAL UNDER**
APPARATUS : **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 23 March 2010 and renewed 04 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).

All conditions above are considered to have been met and the application is granted 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.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

0 7 JUL 2009

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

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

In re Application of LANG
Application No.: 12/067,703
PCT No.: PCT/EP06/66386
Int. Filing: 14 September 2006
Priority Date: 23 September 2005
Attorney Docket No.: 5607-22-PUS
For: MONITORING APPARATUS AND METHOD FOR MONITORING A JOINING PROCESS AND FOR RETRACING QUALITY

DECISION ON

PETITION

UNDER 37 CFR 1.47(b)

This is a decision on applicant's petition under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 02 February 2009 to accept the application without the signature of sole inventor ULRICH LANG. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 02 July 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.

On 02 February 2009, applicant filed the instant petition under 37 CFR 1.47(b) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requests the acceptance of the application without the signature of the sole inventor alleging that Mr. Lang is refuses to sign the application.

DISCUSSION

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

Petitioner has satisfied Item (1) with payment of the requisite petition fee.

With regard to Item (2), petitioner has not provided adequate proof that the sole inventor refuses to sign the application. Specifically, the petition states but the accompanying exhibits do not demonstrate, that a copy of the application (including specification, claims and drawings) was sent to the sole inventor. As stated in the MPEP 409.03(d), "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." Here, the only evidence is an email from a third party indicating that the nonsigning inventor believes that all his powers of attorney concerning patents are in the hands of the assignee. There is no evidence provided in a first hand statement of facts that the inventor was presented with a copy of the application papers and that he refused to sign the application papers. Thus, there is insufficient evidence to conclude that the inventor refuses to sign the application.[1] Item (2) is not satisfied.

With regard to Item (3), Petitioner has provided a statement of the last known address of the inventor.

As for Item (4), Petitioner provided a declaration executed on behalf of the sole inventor by the Vice President Finance for the alleged assignee, HID Global GmbH. However, the declaration does not fulfill the requirements of 37 CFR 1.497(a) and (b). The declaration does not identify the sole inventor's citizenship and does not identify the name of the Vice President who is executing the declaration. Petitioner is encouraged to use the declaration form (PTO/SB/01), which can be found on the USPTO website. See also MPEP Section 409.03(b). Where the 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. The 37 CFR 1.47(b) applicant must state his or her relationship to the inventor as required by 37 CFR 1.64. Item (4) is not satisfied.

Regarding Item (5), Section 409.03(f) of the MPEP, Proof of Proprietary Interest, states, in part:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that
>
> (A) the invention has been assigned to the applicant, or
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.
>
> If the application has been assigned, a copy of the assignment (in the English Language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324)....

---

[1] As indicated in the MPEP Section 409.03(d), where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Petitioner did not provide an assignment executed by the nonsigning inventor Lang with Imasys AG or the subsequent assignments of Assa Abloy AB, Assa Abloy Identification Technologies GmbH or HID Global GmbH. [2] No assignment for these applications signed by the inventor was attached to the petition to prove this interest. Nor was a written agreement by the inventor to assign presented.

Where there is no written agreement to assign or the invention has not been assigned, petitioner must demonstrate a proprietary interest by an appropriate legal memorandum. No such memorandum accompanied the petition. See MPEP Section 409.03(f). Item (5) is not satisfied.

As for Item (6), irreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party and to prevent irreparable damage." Such statement has been presented. Item (6) is satisfied.

Accordingly, items (2), (4), and (5) above have not been satisfied and the petition under 37 CFR 1.47(b) must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

---

[2] The 20 March 2008 Notification of the Recording of a Change (Form PCT/IB/306) submitted by petitioner to show the recording of a new applicant is not an assignment of the rights to the application, as required here.

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

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

22 DEC 2009

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

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

In re Application of LANG	
Application No.: 12/067,703	
PCT No.: PCT/EP06/66386	DECISION ON
Int. Filing: 14 September 2006	
Priority Date: 23 September 2005	PETITION
Attorney Docket No.: 5607-22-PUS	
For: MONITORING APPARATUS AND METHOD FOR MONITORING A JOINING PROCESS AND FOR RETRACING QUALITY	UNDER 37 CFR 1.47(b)

This is a decision on applicant's renewed petition under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 02 February 2009 to accept the application without the signature of sole inventor ULRICH LANG. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 02 July 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.

On 02 February 2009, applicant filed a petition under 37 CFR 1.47(b) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requests the acceptance of the application without the signature of the sole inventor alleging that Mr. Lang refused to sign the application.

DISCUSSION

Petitioner has now presented the declaration signed by inventor ULRICH LANG. A review of the declaration reveals that the declaration identifies and is executed by the inventor named in the international application. The declaration states the residency, citizenship and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declaration is acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

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

The declaration, executed by the sole inventor, submitted on 05 October 2009 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 05 October 2009.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

20 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

DAVIS WRIGHT TREMAINE LLP
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

In re Application of	:	
BEARDSLEY, et al.	:	
Serial No.: 12/067,707	:	
PCT No.: PCT/US06/36601	:	DECISION ON PETITION
Int. Filing Date: 20 September 2006	:	
Priority Date: 21 September 2005	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 68900-4-10	:	
For: FOOD ROASTER	:	

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. §1.47(a)" filed 06 February 2009 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Glenn Beardsley.

BACKGROUND

On 20 September 2006, applicant filed international application PCT/US06/36601 which claimed priority to a previous application filed 21 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, 21 March 2008.

On 21 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 and a preliminary amendment.

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

On 06 February 2009, applicant filed a response including the present petition under 37 CFR 1.47(a) to accept the application without the signature of co-inventor Glenn Beardsley accompanied by a petition for a five-month extension of time. With the filing of the petition for a five-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

DISCUSSION

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

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature.

It is not certain from the declaration of Mr. Seth D. Levy that a complete set of application papers was sent to the inventor. It appears that the inventors were presented with a copy of the application prior to filing and then subsequently declaration and assignment documents. It is important that the applicant be presented with a complete set of application papers prior to a refusal so that the USPTO can be certain that the inventor understands to which invention he is be asked to make the declaration. Further, applicant states that on May 15, 2008 Mr. Beardsley disputed the need to "execute an assignment document." Applicant has not detailed the nature of this refusal by providing a copy of the refusal if it was in writing or a firsthand statement from the individual to whom the refusal was made. (See further MPEP 409.03(d): 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.) If the refusal was in writing a copy would provide clarification as to whether the inventor was refusing to sign an oath or declaration or merely refusing to sign an assignment document. A refusal to sign a declaration after a presentation of a complete set of papers due to a compensation dispute would be considered a valid refusal under 37 CFR 1.47.

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(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." 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
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

12 NOV 2009

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

DAVIS WRIGHT TREMAINE LLP
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

In re Application of	:	
BEARDSLEY, et al.	:	
Serial No.: 12/067,707	:	
PCT No.: PCT/US06/36601	:	DECISION
Int. Filing Date: 20 September 2006	:	
Priority Date: 21 September 2005	:	
Atty Docket No.: 68900-4-10	:	
For: FOOD ROASTER	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed 20 October 2009 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Glenn Beardsley.

BACKGROUND

On 20 March 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 20 October 2009, applicant filed the renewed petition under 37 CFR 1.47(a) discussed herein accompanied by a petition for a five-month extension of time. With the filing of the petition for a five-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 20 March 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

Regarding item (2), with the filing of the renewed petition and accompanying exhibit applicant has successfully addressed the concerns raised in the initial decision and satisfied the remaining item above. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition is **GRANTED**.

The application has an international filing date of 20 September 2006 under 35 U.S.C. 363, and will be given a date of **06 February 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

11 NOV 2009

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

Mr. Glenn Beardsley
2110 Monterey Blvd.
Hermosa Beach, CA 90254

In re Application of
BEARDSLEY, et al.
Serial No.: 12/067,707
PCT No.: PCT/US06/36601
Int. Filing Date: 20 September 2006
Priority Date: 21 September 2005
Atty Docket No.: 68900-4-10
For: FOOD ROASTER

Dear Mr. Beardsley:

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

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

DAVIS WRIGHT TREMAINE LLP
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

2 8 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CYTEC INDUSTRIES INC.
1937 WEST MAIN STREET
P.O. BOX 60
STAMFORD CT 06904-0060

In re Application of: CAMPBELL	:	DECISION
U.S. Application No.: 12/067,719	:	
PCT Application No.: PCT/US2006/30891	:	ON
Int. Filing Date: 07 August 2006	:	
Priority Date: 14 September 2005	:	PETITION
Atty Docket No.: 03043-00	:	
For: Phenoxypyrazole Composition and Process for the Solvent Extraction of Metals	:	UNDER
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 March 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.

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

Katherine Moran
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 04 2010

OFFICE OF PETITIONS

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

In re Application of :

Katsushige NAKAMURA, et *al.* :
Application No. 12/067,751 : DECISION ON PETITION TO
Filed: April 13, 2009 : WITHDRAW FROM RECORD
Attorney Docket No. **MIY0002-US** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 20, 2009.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner omitted the withdrawing practitioner's customer number and has not properly submitted a correspondence address change directing all future correspondence for the application.

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

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

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 12 2010

OFFICE OF PETITIONS

In re Application of

Katsushige NAKAMURA
Application No. 12/067,751
Filed: April 13, 2009
Attorney Docket No. **MIY0002-US**

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 February 19, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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

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

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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

Attachment: Statement Under 37 CFR 3.73(b)

UNITED STATES PATENT AND TRADEMARK OFFICE

02 JUN 2008

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

Morrison & Foerster LLP
755 Page Mill Rd
Palo Alto, CA 94304-1018

In re Application of :
APELIAN, et al. :
Application No.: 12/067,802 : DECISION ON PETITION
PCT No.: PCT/US06/26710 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 July 2006 :
Priority Date: 11 July 2005 :
Attorney Docket No.: 595432000100 :
For: COMPOSITIONS AND METHODS FOR ELICITING AN IMMUNE RESPONSE TO ESCAPE MUTANTS OF TARGETED THERAPIES :

The petition to revive under 37 CFR 1.137(b) filed 21 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.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEPTOE & JOHNSON – ACCLARENT, INC.
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of :
Bruce B. BECKER :
Application No. 12/067,804 : DECISION ON PETITION
Filed: February 23, 2009 :
Docket No. 83529.0045.US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 7, 2009, which set a shortened statutory period for reply of **three (3) months.** No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 8, 2010.

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

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

This application is being referred to Technology Center AU 3763 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of:	:	
SHIOI, MASAHIKO	:	DECISION ON REQUEST TO
Serial No.: ~~12/076,917~~ 12/067917	:	PARTICIPATE IN PATENT
Filed: Mar. 24, 2008	:	PROSECUTION HIGHWAY
Docket: 043888-0650	:	(PPH) AND PETITION TO
Title: BIOINFORMATION MEASUREMENT DEVICE	:	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 Sep. 24, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH program and the 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 Henry C. Yuen at 571-272-4856.

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

Petition is **granted**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Shoemaker and Mattare, LTD
10 Post Office Road - Suite 100
Silver Spring, MD 20910

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of :
Andrea Venturelli :
Application No. 12/067,948 : DECISION ON PETITION
Filed: April 22, 2008 :
Attorney Docket No. 6193 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 21, 2009, which set a shortened statutory period for reply of three (3) months. On Monday, February 22, 2010, petitioner submitted a request for an extension of time for response within the third month and the requisite fee. Accordingly, the application became abandoned on February 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christina Tartera Donnell at (571) 272-3211.

This application is being referred to Technology Center AU 3767 for appropriate action by the Examiner in due course.

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.
12/068,057	02/01/2008	Yoshihisa Sato	2018-1903	1822

7590 11/20/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
SAINT SURIN, JACQUES M

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
11/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/20/2009 0232377007

Credit Card Refund Total: $510.00

Rm Exp...: XXXXXXXXXXXX2221

Adjustment date: 11/20/2009 NFARMER
02/04/2008 DEMMAXU1 00000020 12068057
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

COPY MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of :
Earl **HENNENHOEFER, et al.** :
Application No. 12/068,102 : DECISION ON PETITION TO MAKE
Filed: February 1, 2008 : SPECIAL UNDER 37 CFR 1.102(C)(1)
Attorney Docket No. **0050936-000027** :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 27, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the statements of inventors E arl Hennenhoefer and Richard V. Snyder, attesting to their age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning either the examination or status of the application should be directed to the examiner at (571) 272-7296.

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

The application is being forwarded to the Technology Center AU 2423 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

12/4/09

In re Application of :
KONDO, HARUHIKO :
Application No. 12/068,116 :
Filed: Feb. 1, 2008 :
Attorney Docket No. RYM-2635-577 :
For: ENGINE CONTROL APPARATUS USING SIGNAL WITH LEVEL CHANGING WITH ENGINE OPERATION :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 4, 2009, to make the above-identified application special.

The request and petition are granted.

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

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

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

The application is forwarded to Examiner Keith Coleman of Art Unit 3747 for action on the merits commensurate with this decision. The examiner's telephone number is 571-270-3516. Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Stephen Cronin, Art Unit 3747 at 571-272-4536.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971

COPY MAILED

JAN 13 2010

In re Application of :
Hwei-Liang CHANG et al. :
Application No. 12/068,120 : DECISION ON PETITION
Effective Date: February 01, 2008 :
Attorney Docket No. **7000.191** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 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 April 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 the required fees, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of February 25, 2008 is accepted as having been unintentionally delayed.

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

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SINORICA, LLC
2275 RESEARCH BLVD.
SUITE 500
ROCKVILLE MD 20850

MAILED

MAY 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Cheng-Sung Lee	:	
Application No. 12/068,121	:	DECISION ON PETITION
Filed: February 1, 2008	:	
Attorney Docket No. TW-XNA-0691	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 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 April 26, 2008. A Notice of Abandonment was mailed October 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Basic filing fee of $330.00, the $130.00 surcharge fee, the Search fee of $540.00, and the Examination fee of $220.00, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

On November 10, 2008 a new acceptance of power of attorney took effect in the above-identified application. Therefore, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

cc: Bruce H. Troxell
Troxell Law Office PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, VA 22041

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BACON & THOMAS, PLLC
625 SLATER LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

COPY MAILED

DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Ming-Hung TSAI , et al. :
Application No. 12/068,145 : NOTICE
Filed: February 4, 2008 :
Attorney Docket No. TSAI3212/EM :

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

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

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

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

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

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

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

The fee itemization submitted August 19, 2009, is acknowledged, however, further itemization is required to include the basic, search and examination fees.

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1-46. (Cancelled).

47. (Previously Presented) A method for providing an elevated pressure by forward osmosis in a system using pressure retarded osmosis through at least one semi-permeable membrane, which is built up of several layers, where at least one part of the osmotic pressure is maintained in the system, comprising contacting a first water feed stream containing salt with a non-porous material as a diffusion skin of said at least one semi-permeable membrane; where at the same time a second water feed stream containing less salt is contacted with a porous material in a porous layer of said at least one semi-permeable membrane, where the porous layer has, when water wetted, a porosity φ, thickness x (m), and tortuosity τ related to one another as given by the expression

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

where S has a value of 0.0015 meter or lower,

the porosity φ has an average value of more than 50%,

the tortuosity τ is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s, and

whereby water from the second water feed stream is driven through the semi-permeable membrane by forward osmosis and creates an osmotic hydraulic elevated pressure on a permeate side of the membrane defined by the diffusion skin.

48. (Previously Presented) The method according to claim 47, wherein the porous layer of the membrane, when the first water feed stream is contacted with the diffusion skin, has properties related to a salt permeability parameter B defined by:

$$B = (\varphi \cdot D \cdot (dc/dx) / \tau - J \cdot c) \cdot 1/\Delta c_s \qquad \text{Equation (2)}$$

wherein:

A is the water permeability and is greater than 1×10^{-11} m/s/Pa,

B is the salt permeability (m/s) and is less than 3×10^{-8} m/s,

Δc_s is the salt concentration difference over the diffusion skin (moles/cm^3),

φ is the porosity and has an average value of more than 50%,

x is the thickness of the porous layer (m),

J is the water flux (m/s),

C is the salt concentration (moles/cm^3),

D is the diffusion coefficient of the salt (m^2/s),

τ is the tortuosity and is less than 2.5,

where the efficiency of the membrane in pressure retarded osmosis for a given value of a water permeability, A (m/s/Pa), can be expressed by an integration of Equation (2) to yield:

$$\Delta c_s / c_b = \exp(-d_s \cdot J/D) / \{ 1 + B \cdot [(\exp(d_f \cdot J/D + S \cdot J/D) - \exp(-d_s \cdot J/D)] / J \}$$

wherein:

C_b is the difference in salt concentration between the second water feed stream and the first water feed stream, wherein said second water feed stream contains less salt than said first water feed stream (moles/cm^3),

d_f and d_s are the thickness (μm) of the diffusion films on a side of the membrane contacting the second water feed stream and a side of the membrane contacting the first water feed stream, respectively, and

Δc_s / c_b is the efficiency of the membrane in pressure retarded osmosis for a given value of the water permeability.

49. (Previously Presented) The method according to claim 47, wherein at least a part of the osmotic pressure over the membrane is directly hydraulic transferred to the incoming first water feed stream.

50. (Previously Presented) The method according to claim 47, wherein the membrane has a thickness of less than 150 μm.

51. (Previously Presented) The method according to claim 47, wherein the membrane has a thickness of less than 100 μm.

52-55. (Cancelled).

56. (Previously Presented) The method according to claim 47, comprising a diffusion film thickness of less than 60 μm.

57. (Previously Presented) The method according to claim 47, comprising a diffusion film thickness of less than 30 μm.

58. (Previously Presented) The method according to claim 47, wherein the amount of the first water feed stream is 1-3 times higher than the amount of the second water feed stream.

59. (Previously Presented) The method according to claim 47, wherein a channel for the first water feed stream between the membranes comprises flow breakers consisting of threads of polymer which form a net with square or rhombic pattern which fills the channel by 10-50%.

60. (Previously Presented) The method according to claim 47, wherein several membranes are packed together in layers to form modules where the distance between adjacent membranes is from 0.4 to 0.8 mm.

61. (Previously Presented) The method according to claim 47, wherein the ratio between the length of a flow path of the first water feed stream and the second water feed stream is from 0.3 to 1.0.

62. (Previously Presented) The method according to claim 47, wherein the porous layer of the membrane comprises hollow fibers with an outside diameter from 0.05 to 0.5 mm.

63. (Previously Presented) The method according to claim 47, wherein the semi-permeable membrane has a permeability for salt, B, from the first water feed stream, of less than $3 \cdot 10^{-8}$ m/s.

64. (Previously Presented) The method according to claim 47, wherein the semi-permeable membrane has a water permeability, A, from the second water feed stream, which is more than $1 \cdot 10^{-11}$ m/s/Pa.

65. (Previously Presented) The method according to claim 47, wherein the pressure of the first water feed stream flowing into the membrane or membrane module is in the range of 6-16 bars.

66. (Currently Amended) The method according to claim 47, wherein the osmotic hydraulic elevated pressure ~~is used for driving~~ drives at least one power turbine.

67. (Currently Amended) The method according to claim 66, wherein the power turbine ~~is used for creating~~ creates electric power.

68-74. (Cancelled).

75. (Currently Amended) The method according to claim 47 ~~claim 74~~, wherein the membrane has a thickness which is less than 150 μm.

76. (Previously Presented) A method for providing elevated hydraulic pressure, comprising

i) contacting a first water feed stream with a diffusion skin of a semi-permeable membrane;

ii) and at the same time contacting a second water feed stream with a porous layer of the semi-permeable membrane;

wherein the second water feed stream has less salt than the first water feed stream;

wherein the semi-permeable membrane comprises one thin layer of a non-porous material as the diffusion skin, and at least one layer of a porous material as the porous layer, wherein the porous layer has, when water wetted, a porosity φ, thickness x (m), and tortuosity τ in relation to one another as given by

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

where S has a value of 0.0015 meter or lower,

the porosity φ has an average value of more than 50%,

the tortuosity τ is less than 2.5,

a water permeability of the porous layer is of greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s, and

whereby water from the second water feed stream is driven through the semi-permeable membrane by forward osmosis to create elevated hydraulic pressure.

77. (Previously Presented) The method of claim 76, wherein the elevated hydraulic pressure is used to drive at least one turbine.

78. (Cancelled).

79. (Currently Amended) The method according to claim 76 ~~claim 78~~, wherein the membrane has a thickness which is less than 150 μm.

80-84. (Cancelled).

85. (**New – corresponds to Claim 122 from '735 application**) A method for producing electric power comprising providing a first water feed stream and a second water feed stream to a plant for providing elevated osmotic pressure through use of pressure retarded osmosis, wherein the plant comprises at least one semi-permeable membrane or membrane module where the membrane or membrane module comprises a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x, and tortuosity τ related to one another as given by the expression:

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

wherein S has a value of 0.0015 meter or lower,

the porosity, φ, has an average value of more than 50%,

the tortuosity, τ, is less than 2.5,

a water permeability of the porous layer is greater than 1 x 10^{-11}m/s/Pa, and

a salt permeability of the porous layer is less than 3 x 10^{-8} m/s, and

the membrane has a thickness which is less than 150 μm,

the method comprising:

delivering the first water stream to the non-porous material side of the membrane or membrane module, and delivering the second water feed stream to the porous layer side of the membrane or membrane module, the second water feed stream containing less salt than the first water feed stream and having less pressure than the first water feed stream; and

applying a third water feed stream, being a combination of the first water feed stream and a part of the second water feed stream having passed through the membrane and mixed with the first water feed stream, to at least one turbine for creating said electric power.

86. (**New – corresponds to Claim 136 from '735 application**) The method according to claim 85, wherein the first water stream is pressurized water in the range of 6 - 16 bar.

87. (**New – corresponds to Claim 137 from '735 application**) The method according to claim 86, wherein the first water stream is pressurized water at 13 bar.

Drodge, Joseph

From: McRobbie, Craig A. [CAM@bskb.com]
Sent: Tuesday, March 10, 2009 11:42 AM
To: Drodge, Joseph
Cc: McRobbie, Craig A.; Lane, Kimberly M.
Subject: Examiner's Amendments for 10/343,735 and 12/068,185
Attachments: Claims for Examiner's Amendment in 12-068,185.doc; Claims for Examiner's Amendment in 10-343,735.doc

Dear Examiner Drodge:

Pursuant to recent communication, the Applicant would like agree to your proposed amendments. To facilitate entry, attached please find two Word documents (one for each application), wherein the amendments to the claims are clearly set forth.

In order to better understand the "new" claims added to each claim set I have included a slight annotation for each claim to explain the origin of the claim language. This can be removed from the final Examiner's Amendment.

It is understood that this email and these attachments will be entered on the record.

Please confirm receipt.

Sincerely, Craig A. McRobbie (Reg. No. 42,874)

From: Drodge, Joseph [mailto:Joseph.Drodge@USPTO.GOV]
Sent: Wednesday, March 04, 2009 4:32 PM
To: Lewis, Paul
Subject: RE:

Applicant's representative Paul Lewis requested e-mail correspondence concerning prosecution of these applications during a telephonic interview initiated on 3-4-2009.

It is acknowledged and recognized that E-mail communication is not secure and may be made of record, under Patent Internet Usage Policy Article 5.

12/068,185 is docket 1617-0106PUS3 AND 10/343,735 is docket 1617-0106PUS2. In general, affadavits were persuasive concerning membrane properties when taken together with other method or apparatus features specifically directed to forward osmosis/pressure retarded osmosis or features facilitating such process.

Additional searching was also conducted concerning membranes utilized for reverse osmosis & desalination and properties of porosity, water permeability & salt permeability in particular and found the following: McLain et al patent 3,423,491; Cantor et al patent 3,332,894; White et al patent 3,763,055 and Kimura patent 3,762,136. These were looked at

in combination with review of the Moaddeb and Koros publication of record that gives tortuosity & related properties of prior art membranes employed in desalination. This new prior art in combination is considered to make claims directed only to the membrane and it's properties, per se., including claims dealing with pressure retarded osmosis in the preamble only as obvious.

There is also concern with double patenting between the 2 applications and this could be dealt with/mitigated by primarily eliminating method claims from one case and apparatus claims from the other case. The following is thus proposed:

For PUS2 (10/343,735): Following apparatus claims would be allowable: 69,71-73,75-78,88,90,104-109,123-133 and 138-143.

Cancel the following apparatus claims (& combination method/apparatus claims) as obvious over the newly found prior art: 110-114,116-118,120,121,134,135

The following method claims are allowable over the prior art; to mitigate double patenting issues, cancel & ***move them as new claims to PUS3 (12/068,185): 122,136,137.***

For PUS3 (12/068,185): Following apparatus claims can both be rejected over the newly found prior art and would present double patenting issues, thus propose to cancel: 33-42,45,46,68,69,71,73, and 75.

Also cancel method claims 80-84 that depend from apparatus claims (these are largely redundant over below method clms 47-51,56-65 anyway)

Dependent claims 43-44 distinguish (dependency in 44 is wrong) : Thus options are either to cancel all of claims 33-46,68,69,71,73, and 75 or incorporate limitations of claim 43 into one or more of independent claims 33,34,46 and 68 and ***then move them as new claims to PSU2 (10/343,735).

The following method claims are allowable over the prior art: 47-51,56-65,76,77

In claim 66, replace "is used for driving" with "drives" and in claim 67 replace "is used for creating" with "creates". (otherwise allowable over prior art).

In claim 79, change dependency from canceled claim 78 to claim 76. (otherwise allowable).

** Canceling 15 claims from PUS2 ('735) would enable adding up to15 new apparatus claims without incurring additional fees.

**Canceling 21 claims from PUS3 ('185) would enable adding up to 21 new method claims without incurring additional fees.

Primary Examiner of record in both cases: Joseph Drodge

571-272-1140 (8-12 & 2-6 M-F).

From: Lewis, Paul [mailto:pcl@bskb.com]
Sent: Wednesday, March 04, 2009 4:29 PM
To: Drodge, Joseph
Subject:

test

Paul C. Lewis
Birch, Stewart, Kolasch & Birch, LLP
pcl@bskb.com
tel.: 703-205-8000
fax.: 703-205-8050

Please copy all instructions to mailroom@bskb.com to ensure proper handling.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the addressee or its designated agent is strictly prohibited. If your receipt of this e-mail is in error, please destroy the transmission (and any copies thereof) immediately.
Please copy all instructions to mailroom@bskb.com to ensure proper handling.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the addressee or its designated agent is strictly prohibited. If your receipt of this e-mail is in error, please destroy the transmission (and any copies thereof) immediately.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

Claims 1-68. (Cancelled).

Claim 69 (Previously Presented) A plant for providing elevated osmotic pressure through use of pressure retarded osmosis, wherein the plant comprises at least one semi-permeable membrane or membrane module where the membrane or membrane module comprises a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x, and tortuosity τ related to one another as given by the expression:

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

wherein S has a value of 0.0015 meter or lower,

the porosity φ has an average value of more than 50%,

the tortuosity τ is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s, and

a pressure exchange arrangement connected to an outlet of the membrane or membrane module configured to receive direct hydraulic transfer of osmotic pressure at elevated pressure branched off therefrom to provide increased pressure to water delivered to an inlet of the membrane or membrane module at a diffusion skin side.

Claim 70 (Cancelled).

Claim 71 (Previously Presented) The plant according to claim 69, wherein the porous layer of the membrane, when a first water feed stream containing salt is contacted with the diffusion skin, has properties related to a salt permeability parameter B defined by:

$$B = (\varphi \cdot D \cdot (dc/dx) / \tau - J c) \cdot 1/\Delta c_s \qquad \text{Equation (2)}$$

wherein:

A is the water permeability and is greater than 1×10^{-11} m/s/Pa,

B is the salt permeability (m/s) and is less than 3×10^{-8} m/s,

Δc_s is the salt concentration difference over the diffusion skin (moles/cm^3),

φ is the porosity and has an average value of more than 50%,

x is the thickness of the porous layer (m),

J is the water flux (m/s),

C is the salt concentration (moles/cm^3),

D is the diffusion coefficient of the salt (m^2/s),

τ is the tortuosity and is less than 2.5,

where the efficiency of the membrane in pressure retarded osmosis for a given value of a water permeability, A (m/s/Pa), can be expressed by an integration of Equation (2) to yield :

$$\Delta c_s / c_b = \exp(-d_s \cdot J/D) / \{ 1 + B \cdot [(\exp(d_f \cdot J/D + S \cdot J/D) - \exp(-d_s \cdot J/D)] / J\}$$

wherein:

c_b is the difference in salt concentration between a second water feed stream and the first water feed stream, wherein said second water feed stream contains less salt than said first water feed

stream (moles/cm^3),

d_f and d_s are the thickness (μm)of the diffusion films on a side of the membrane contacting the second water feed stream and a side of the membrane contacting the first water feed stream, respectively, and

$\Delta c_s / c_b$ is the efficiency of the membrane in pressure retarded osmosis for a given value of the water permeability.

Claim 72 (Previously Presented) The plant according to claim 69, wherein at least one power providing turbine is located downstream of a location where said pressure transfer is branched off from the outlet.

Claim 73 (Previously Presented) A plant for providing an elevated osmotic pressure through use of pressure retarded osmosis, wherein the plant comprises at least one semi-permeable membrane or membrane module where the membrane or membrane module comprises a non-porous material as a diffusion skin, and at least one layer of a porous material forming a porous layer which, when water wetted, has a porosity φ, thickness x, and tortuosity τ related to one another as given by the expression:

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

wherein S has a value of 0.0015 meter or lower,

the porosity φ has an average value of more than 50%,

the tortuosity τ is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11}m/s/Pa, and

a salt permeability of the porous layer is less than 3 x 10^{-8} m/s, and

at least one power providing turbine operably linked with the membrane or membrane module.

Claim 74 (Cancelled).

Claim 75 (Previously Presented) The plant according to claim 73, wherein the porous layer of the membrane, when a first water feed stream containing salt is contacted with the diffusion skin, has properties related to a salt permeability parameter B defined by:

$$B = (\varphi \cdot D \cdot (dc/dx) / \tau - J c) \cdot 1/\Delta c_s \qquad \text{Equation (2)}$$

wherein:

A is the water permeability and is greater than 1 x 10^{-11}m/s/Pa,

B is the salt permeability (m/s) and is less than 3 x 10^{-8} m/s,

Δc_s is the salt concentration difference over the diffusion skin (moles/cm^3),

φ is the porosity and has an average value of more than 50%,

x is the thickness of the porous layer (m),

J is the water flux (m/s),

C is the salt concentration (moles/cm^3),

D is the diffusion coefficient of the salt (m^2/s),

τ is the tortuosity and is less than 2.5,

where the efficiency of the membrane in pressure retarded osmosis for a given value of a water permeability, A (m/s/Pa), can be expressed by an integration of (2):

$$\Delta c_s / c_b = \exp(-d_s \cdot J/D) / \{ 1 + B \cdot [(\exp(d_f \cdot J/D + S \cdot J/D) - \exp(-d_s \cdot J/D)] / J\}$$

wherein:

c_b is the difference in salt concentration between a second water feed stream and the first water feed stream, wherein said second water feed stream contains less salt than said first water feed stream (moles/cm^3),

d_f and d_s are the thickness (μm) of the diffusion films on a side of the membrane contacting the second water feed stream and a side of the membrane contacting the first water feed stream, respectively, and

$\Delta c_s / c_b$ is the efficiency of the membrane in pressure retarded osmosis for a given value of the water permeability.

Claim 76 (Previously Presented) The plant according to claim 73,

wherein the plant is located 0 - 200 m below ground level,

wherein fresh water is passed through pipelines downwards to at least one turbine,

wherein the fresh water is further passed from the turbine into a low pressure side of at least one membrane or membrane module,

wherein sea water is passed into a high pressure side of said at least one membrane or membrane module, said sea water having been pressurized by hydrostatic power, wherein the sea water is allowed to circulate through said high pressure side of said at least one membrane or membrane module,

wherein the fresh water is transported through said at least one membrane or membrane module by osmotic power, and

wherein water leaving the plant is the fresh water mixed with the sea water.

Claim 77 (Previously Presented) The plant according to claim 69, wherein the osmotic hydraulic elevated pressure is applied to at least one turbine which is used for creating electric power.

Claim 78 (Previously Presented) The plant according to claim 73, wherein said at least one turbine is used for creating electric power.

Claims 79-87 (Cancelled).

Claim 88 (Previously Presented) The plant according to claim 69, wherein the membrane has a thickness which is less than 150 μm.

Claim 89 (Cancelled).

Claim 90 (Previously Presented) The plant according to claim 73, wherein the membrane has a thickness which is less than 150 μm.

Claims 91-103 (Cancelled).

Claims 104 (Previously Presented) The plant according to claim 69, wherein the diffusion skin side is configured to be contacted with a first water feed stream and the porous

layer of the membrane is configured to be contacted with a second water feed stream, the second water feed stream having less salt content than the first water stream, and wherein the first water stream is at a pressure higher than that of the second water stream.

Claim 105 (Previously Presented) The plant according to claim 73, wherein a diffusion skin side of the membrane or membrane module is configured to be contacted with a first water feed stream and the porous layer of the membrane is configured to be contacted with a second water feed stream, the second water feed stream having less salt content than the first water stream, and wherein the first water stream is at a pressure higher than that of the second water stream.

Claim 106 (Previously Presented) The plant according to claim 87, which is operably linked to at least one turbine and wherein the membrane or membrane module is configured to provide elevated osmotic pressure to drive the at least one turbine.

Claim 107 (Previously Presented) The plant according to claim 106, wherein the at least one turbine is used for creating electric power.

Claim 108 (Previously Presented) The plant according to claim 88, which is operably linked to at least one turbine and wherein the membrane or membrane module is configured to provide elevated osmotic pressure to drive the at least one turbine.

Claim 109 (Previously Presented) The plant according to claim 108, wherein the at least one turbine is used for creating electric power.

Claim 110-122 (Cancelled).

Claim 123 (Previously Presented) A plant for providing elevated osmotic pressure through use of pressure retarded osmosis, wherein the plant comprises

at least one semi-permeable membrane or membrane module where the membrane or membrane module comprises a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x, and tortuosity τ related to one another as given by the expression:

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

wherein S has a value of 0.0015 meter or lower,

the porosity, φ, has an average value of more than 50%,

the tortuosity, τ, is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s, and

the membrane has a thickness which is less than 150 μm,

a pressure exchange arrangement connected to an outlet of the membrane or membrane module configured to receive direct hydraulic transfer of osmotic pressure at elevated pressure branched off therefrom to provide increased pressure to water delivered to an inlet of the membrane or membrane module at a diffusion skin side,

wherein the diffusion skin side is configured to be contacted with a first water feed stream and the porous layer of the membrane is configured to be contacted with a second water feed stream, the second water feed stream having less salt content than the first water stream, and wherein the first water stream is at a pressure higher than that of the second water stream, and

at least one power providing turbine is located downstream of a location where said pressure transfer is branched off from the outlet, and the osmotic hydraulic elevated pressure is applied to the at least one turbine which is used for creating electric power.

Claim 124 (Previously Presented) A plant for providing an elevated osmotic pressure through use of pressure retarded osmosis, wherein the plant comprises at least one semi-permeable membrane or membrane module where the membrane or membrane module comprises a non-porous material as a diffusion skin, and at least one layer of a porous material forming a porous layer which, when water wetted, has a porosity φ, thickness x, and tortuosity τ related to one another as given by the expression:

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

wherein S has a value of 0.0015 meter or lower,

the porosity, φ, has an average value of more than 50%,

the tortuosity, τ, is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s, and

the membrane has a thickness which is less than 150 μm,

wherein a diffusion skin side of the membrane or membrane module is configured to be

contacted with a first water feed stream and the porous layer of the membrane is configured to be contacted with a second water feed stream, the second water feed stream having less salt content than the first water stream, and wherein the first water stream is at a pressure higher than that of the second water stream, and

at least one power providing turbine operably linked with the membrane or membrane module is used for creating electric power.

Claim 125 (Previously Presented) A plant for providing elevated osmotic pressure through use of pressure retarded osmosis, wherein the plant comprises at least one semi-permeable membrane or membrane module where the membrane or membrane module comprises a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x, and tortuosity τ related to one another as given by the expression:

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

wherein S has a value of 0.0015 meter or lower,

the porosity, φ, has an average value of more than 50%,

the tortuosity, τ, is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s,

the membrane has a thickness which is less than 150 μm,

an inlet of a first water feed stream for delivery to the non-porous material side of the membrane or membrane module and an inlet of a second water stream for delivery to the porous layer side

of the membrane or membrane module, the second water feed stream containing less salt than the first water feed stream and having less pressure than the first water feed stream, and

an outlet from the membrane or membrane module on the non-porous side thereof for delivery of a combination of a part of the second water feed stream having passed through the membrane mixed with the first water feed stream, connected to at least one turbine for creating said electric power.

Claim 126 (Previously Presented) The plant according to claim 69, wherein the water delivered at the diffusion skin side of the membrane is pressurized water in the range of 6 - 16 bar.

Claim 127 (Previously Presented) The plant according to claim 126, wherein the water delivered at the diffusion skin side of the membrane is pressurized water at 13 bar.

Claim 128 (Previously Presented) The plant according to claim 76, wherein the water delivered at the diffusion skin side of the membrane is pressurized water in the range of 6 - 16 bar.

Claim 129 (Previously Presented) The plant according to claim 128, wherein the water delivered at the diffusion skin side of the membrane is pressurized water at 13 bar.

Claim 130 (Previously Presented) The plant according to claim 104, wherein the water

delivered at the diffusion skin side of the membrane is pressurized water in the range of 6 - 16 bar.

Claim 131 (Previously Presented) The plant according to claim 130, wherein the water delivered at the diffusion skin side of the membrane is pressurized water at 13 bar.

Claim 132 (Previously Presented) The plant according to claim 105, wherein the water delivered at the diffusion skin side of the membrane is pressurized water in the range of 6 - 16 bar.

Claim 133 (Previously Presented) The plant according to claim 132, wherein the water delivered at the diffusion skin side of the membrane is pressurized water at 13 bar.

Claim 134-137 (Cancelled).

Claim 138 (Previously Presented) The plant according to claim 123, wherein the first water stream is pressurized water in the range of 6 - 16 bar.

Claim 139 (Previously Presented) The method according to claim 138, wherein the first water stream is pressurized water at 13 bar.

Claim 140 (Previously Presented) The plant according to claim 124, wherein the first water feed stream is pressurized water in the range of 6 - 16 bar.

Claim 141 (Previously Presented) The plant according to claim 140, wherein the first water feed stream is pressurized water at 13 bar.

Claim 142 (Previously Presented) The plant according to claim 125, wherein the first water feed stream is pressurized water in the range of 6 - 16 bar.

Claim 143 (Previously Presented) The plant according to claim 142, wherein the first water feed stream is pressurized water at 13 bar.

144. (New – corresponds to claim 33 (including claim 43) of the '185 application) A semi-permeable membrane for forward osmosis or pressure retarded osmosis, the membrane comprising one thin layer of a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x (m), and tortuosity τ in relation to one another as given by

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

where S has a value of 0.0015 meter or lower,

the porosity φ has an average value of more than 50%,

the tortuosity τ is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s,

wherein said membrane is used to form a set of several membranes with flow breakers located between the membranes of the set of membranes, said flow breakers consisting of threads of polymer which form a net with square or rhombic pattern.

145. (New – corresponds to claim 34 (including claim 43) of the '185 application) A semi-permeable membrane for pressure retarded osmosis, the membrane comprising one thin layer of a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x (m) and tortuosity τ in relation to one another as given by

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

where S has a value of 0.0015 meter or lower,

wherein the porous layer, when an amount of a first water feed stream containing salt is contacted with the diffusion skin, has properties related to a salt permeability parameter B defined by:

$$B = (\varphi \cdot D \cdot (dc/dx) / \tau - J \cdot c) \cdot 1/\Delta c_s \qquad \text{Equation (2)}$$

wherein:

A is the water permeability and is greater than 1×10^{-11} m/s/Pa,

B is the salt permeability (m/s) and is less than 3×10^{-8} m/s,

Δc_s is the salt concentration difference over the diffusion skin (moles/cm^3),

φ is the porosity and has an average value of more than 50%,

x is the thickness of the porous layer (m),

J is the water flux (m/s),

C is the salt concentration (moles/cm^3),

D is the diffusion coefficient of the salt (m^2/s),

τ is the tortuosity and is less than 2.5,

where the efficiency of the membrane in pressure retarded osmosis for a given value of a water permeability, A (m/s/Pa), can be expressed by an integration of Equation (2) to yield:

$$\Delta c_s / c_b = \exp(-d_s \cdot J/D) / \{ 1 + B \cdot [(\exp(d_f \cdot J/D + S \cdot J/D) - \exp(-d_s \cdot J/D)] / J \}$$

wherein:

c_b is the difference in salt concentration between a second water feed stream and said first water feed stream, wherein said second water feed stream contains less salt than said first water feed stream (moles/cm^3),

d_f and d_s are the thickness (μm) of the diffusion films on a side of the membrane contacting the second water feed stream and a side of the membrane contacting the first water feed stream, respectively, and

$\Delta c_s / c_b$ is the efficiency of the membrane in pressure retarded osmosis for a given value of the water permeability,

wherein said membrane is used to form a set of several membranes with flow breakers located between the membranes of the set of membranes, said flow breakers consisting of threads of polymer which form a net with square or rhombic pattern.

146. (New – corresponds to claim 35 of the '185 application) The membrane according to claim 144, wherein the membrane has a thickness of less than 150 μm.

147. (New – corresponds to claim 71 of the '185 application) The semi-permeable membrane according to claim 145, wherein the membrane has a thickness which is less than 150 μm.

148. (New – corresponds to claim 36 of the '185 application) The membrane according to claim 144, wherein the membrane has a thickness of less than 100 μm.

149. (New – corresponds to claim 41 of the '185 application) The membrane according to claim 145, comprising a diffusion film thickness of less than 60 μm.

150. (New – corresponds to claim 42 of the '185 application) The membrane according to claim 145, comprising a diffusion film thickness of less than 30 μm.

151. (New – corresponds to claim 44 of the '185 application) The membrane according to claim 144, wherein said several membranes have been packed together in layers to form modules where the distance between adjacent membranes is from 0.4 to 0.8 mm.

152. (New – corresponds to claim 45 of the '185 application) The membrane according to claim 144, wherein the porous layer of the membrane comprises hollow fibers with an outside diameter from 0.05 to 0.5 mm.

153. (New – corresponds to claim 46 (including claim 43) of the '185 application) A semi-permeable membrane for pressure retarded osmosis, the membrane comprising one thin layer of a non-porous material as a diffusion skin, and at least one layer of a porous material, wherein the porous layer has, when water wetted, a porosity φ, thickness x (m) and tortuosity τ in relation to one another as given by

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

where S has a value of 0.0015 meter or lower,

the porosity φ has an average value of more than 50%,

the tortuosity τ is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s, and

wherein the membrane is configured for creating electric power through use of osmotic hydraulic elevated pressure created by said pressure retarded osmosis for driving at least one power turbine,

wherein said membrane is used to form a set of several membranes with flow breakers located between the membranes of the set of membranes, said flow breakers consisting of threads of polymer which form a net with square or rhombic pattern.

154. (New – corresponds to claim 68 (including claim 43) of the '185 application) A semi-permeable membrane for forward osmosis or pressure retarded osmosis,

the membrane comprising one thin layer of a non-porous material as a diffusion skin, and at least one layer of a porous material,

wherein the porous layer, when water wetted, has a porosity φ, thickness x (m), and tortuosity τ in relation to one another as given by

$$x \cdot \tau = \varphi \cdot S \qquad \text{Equation (1)}$$

where S has a value of 0.0015 meter or lower,

wherein the porosity, φ, has an average value of more than 50%,

the tortuosity, τ, is less than 2.5,

a water permeability of the porous layer is greater than 1×10^{-11} m/s/Pa, and

a salt permeability of the porous layer is less than 3×10^{-8} m/s,

wherein said membrane is used to form a set of several membranes with flow breakers located between the membranes of the set of membranes, said flow breakers consisting of threads of polymer which form a net with square or rhombic pattern.

155. (New – corresponds to claim 73 of the '185 application) The semi-permeable membrane according to claim 153, wherein the membrane has a thickness which is less than 150 μm.

156. (New – corresponds to claim 69 of the '185 application) The semi-permeable membrane of claim 154, wherein the membrane has a thickness which is less than 150 μm.

157. (New – corresponds to claim 44 of the '185 application) The membrane according to claim 145, wherein said several membranes have been packed together in layers to form modules where the distance between adjacent membranes is from 0.4 to 0.8 mm.

158. (New – corresponds to claim 44 of the '185 application) The membrane according to claim 153, wherein said several membranes have been packed together in layers to form modules where the distance between adjacent membranes is from 0.4 to 0.8 mm.

159. (New – corresponds to claim 44 of the '185 application) The membrane according to claim 154, wherein said several membranes have been packed together in layers to form modules where the distance between adjacent membranes is from 0.4 to 0.8 mm.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TROXELL LAW OFFICE PLLC
ONE SKYLINE PLACE
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

COPY MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Sheng Shun Yen et al :
Application No. 12/068,238 : DECISION ON PETITION
Filed: February 4, 2008 :
Attorney Docket No. BHT/3092-811 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The 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 required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed March 4, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUN 09 2009

OFFICE OF PETITIONS

GUICE PATENTS PLLC
12647 GALVESTON COURT #302
MANASSAS VA 20112

In re Application of :
Yen, et al. :
Application No. 12/068,239 : ON PETITION
Filed: February 4, 2008 :
Attorney Docket No. 4602-0078 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 15, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts of Nonprovisional Application, mailed March 11, 2008. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory basic filing fee, surcharge for its late filing, as well as the examination and search fees. No reply having been received, the application became abandoned on May 12, 2008. The Office mailed a Notice of Abandonment on November 14, 2008.

With the instant petition, applicants have paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the statutory basic filing fee, surcharge, examination and search fees.

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.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 0 8 2009

OFFICE OF PETITIONS

BRUNDIDGE & STANGER PC
1700 DIAGONAL ROAD SUITE 330
ALEXANDRIA VA 22314

In re Application of :
Yagisawa, et al. :
Application No. 12/068,260 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. SUN-5070-02 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 23, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed October 28, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on January 29, 2008.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2188 for consideration of the Amendment, filed July 23, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/068,264	02/05/2008	Minoru Tokuhara	15-101	3234

23400 7590 12/01/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
WOLVERTON, DAREN A	

ART UNIT	PAPER NUMBER
2813	

MAIL DATE	DELIVERY MODE
12/01/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of
Minoru TOKUHARA
Application No.: 12/068,264
Filed: 05 February 2008
Attorney Docket No.: 15-101
For: SEMICONDUCTOR SENSOR HAVING FLAT MOUNTING PLATE

: 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 14 October 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 is

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

   or

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

   or

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of :
Chang-Hee Shin et al :
Application No. 12/068,314 : ON PETITION
Filed: February 5, 2008 :
Attorney Docket No. 065542-5056US

This is a decision on the petition, filed March 19, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 18, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED

JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of

Nemet, et al.

Application No. 12/068,337

Filed: February 5, 2008

Attorney Docket No. 1033275-000524

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 26, 2009.

The petition is **dismissed**.

This application was held abandoned April 20, 2009, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed February 20, 2009. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on April 20, 2009. A Notice of Abandonment was mailed October 29, 2008. The instant petition was filed on March 26, 2009. Petitioner maintains that the notice of February 20, 2008, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the

mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The copy of the PAIR is noted, however; petitioner has not made the statements or evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by the statements described above and a copy of petitioner's master docket record, or, if a master docket does not exists, the renewed petition should so state.

Alternatively, petitioner may revive the application 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, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail:	Commissioner for Patents United States Patent and Trademark Office Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of

Nemet, et al.

Application No. 12/068,337

Filed: February 5, 2008

Attorney Docket No. 1033275-000524

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed September 4, 2009.

The petition is **granted**.

This application was held abandoned April 20, 2009, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed February 20, 2009. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on April 20, 2009. A Notice of Abandonment was mailed October 29, 2008. The instant petition was filed on March 26, 2009. Petitioner maintains that the notice of February 20, 2008, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that will include remailing the Notice to File Missing Parts of Non-Provisional Application and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600, MAILBOX #119
1800 DIAGONAL ROAD
ALEXANDRIA, VA 22314

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Wei JIN, et al :
Application No. 12/068,371 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. IP-451A : FROM RECORD
:

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

The request is **APPROVED**.

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

The request was signed by Robert Dewitty the sole attorney of record.

Robert Dewitty has been withdrawn.

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

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

(*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: WEI JIN
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON, HONG KONG

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Weintraub Group, P.L.C.
28580 Orchard Lake Road, Suite 140
Farmington Hills, MI 48334

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of Naum et al. :
Application No. 12/068,557 : Decision on Petition
Filing Date: February 7, 2008 :
Attorney Docket No. XIN-158-A :

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 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 Missing Parts of Nonprovisional Application mailed March 3, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on Tuesday, May 6, 2008. A Notice of Abandonment was mailed on November 10, 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 March 3, 2008 Notice to File Missing Parts and petitioner has submitted the required petition fee of $810.

The petition states 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 petition is signed by Attorney David Oppenhuizen. Attorney Oppenhuizen was not an attorney or agent of record at the time the application became abandoned. Therefore, it appears Attorney

Oppenhuizen was not in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Attoreny Oppenhuizen that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] 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 a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and will prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] *See Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Masashi Horiguchi	: DECISION ON REQUEST FOR
Patent Number	: 7663897	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/068,607	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **177** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,611	02/08/2008	Jung-Suk Song	301/088	5455

7590 11/02/2009

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

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0030075261

Credit Card Refund Total: $510.00

Acct...: XXXXXXXXXXX1853

Adjustment date: 11/02/2009 NFARMER
02/11/2008 AWONDAF1 00000041 12068611
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,622	02/08/2008	Andras Nagy	7601/15000	5634

66991 7590 06/30/2010

LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE, MD 20855

EXAMINER	
DELCOTTO, GREGORY R	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

In re application of	:	DECISION ON REQUEST TO
Andras Nagy et al	:	PARTICIPATE IN PATENT
Serial No. 12/068,622	:	PROSECUTION HIGHWAY
Filed: February 8, 2008	:	PROGRAM AND
For: RINSE AID COMPOSITIONS WITH	:	PETITION TO MAKE SPECIAL
IMPROVED CHARACTERISTICS	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 4, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/068,643	02/08/2008	Hiroshi Morita	042715-5033US	5540

9629 7590 07/15/2009

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/15/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

Applicant: Morita et al.
Appl. No.: 12/068,643
Filing Date: February 8, 2008
Title: METHOD OF MANUFACTURING PARTICLE WIRE
Attorney Docket No.: 042715-5033US
Pub. No.: US 2009/0057130 A1
Pub. Date: March 5, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on June 26, 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). The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

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

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

By facsimile: 571-273-8300

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

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 07/15/2009 KKING1
06/29/2009 JADD01 00000055 500310 12068643
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

COPY MAILED

MAR 23 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Kuo-Hsiung Tsai :
Application No. 12/068,647 :
Filed: February 8, 2008 :
Attorney Docket No. BHT/3092-814 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 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 Missing Parts of Nonprovisional Application (Notice) mailed March 3, 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 May 4, 2008.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/09/2010

Applicant	: Li-Yang Wang	: DECISION ON REQUEST FOR
Patent Number	: 7641207	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/068,690	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACKSON INTELLECTUAL PROPERTY GROUP, PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

COPY MAILED

FEB 02 2010

In re Application of
Hsinn-Jyh Tzeng, et al.
Application No. 12/068,749
Filed: February 11, 2008
Attorney Docket No. 7000.251

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed March 5, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 6, 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 reply and corrected drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received November 19, 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-09

MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

COPY MAILED

NOV 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Ching-Yang Lee	:	DECISION ON PETITION
Application Number: 12/068760	:	
Filing Date: 02/11/2008	:	
Attorney Docket Number:	:	
5050/0111PUS1	:	

This is a decision on the petition filed on September 2, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on May 4, 2008, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on March 3, 2008, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on November 10, 2008.

Receipt of the required fees in response to the Notice to File Missing Parts of Nonprovisional Application is acknowledged.

---

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

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

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

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

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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.
12/068,892	02/13/2008	Arata Jogo	081160	7270

7590 04/02/2009

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

EXAMINER	
WELLINGTON, ANDREA L	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
04/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 04/03/2009 BPOWELL
02/14/2008 DEMMANU1 00000015 12068892
02 FC:1111 -510.00 OP

Refund Ref: 04/03/2009 0030068471

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX1052

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

11/4/09

In re Application of	:	
MOCHIZUKI, KOUICHI et al	:	DECISION ON REQUEST TO
Application No. 12/068,904	:	PARTICIPATE IN PATENT
Filed: Feb. 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2018-1912	:	PROGRAM AND PETITION
For: INJECTOR	:	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 November 3, 2009 to make the above-identified application special.

The request and petition are **dismissed**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 met all conditions except Item #6 above. The request to participate in the PPH pilot program and petition fail to include:

A copy of Japanese patent documents cited by the JPO examiner, e.g. JP 2007-500304 (JP, A) and JP 2006-524298 (JP, A). The patent documents were cited in the corresponding JPO Office action of May 27, 2009.

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

11/17/09

In re Application of	:	
MOCHIZUKI, KOUICHI et al	:	DECISION ON REQUEST TO
Application No. 12/068,904	:	PARTICIPATE IN PATENT
Filed: Feb. 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2018-1912	:	PILOT PROGRAM AND PETITION
For: INJECTOR	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed Nov. 17, 2009, to make the above-identified application special.

The request and petition are granted.

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

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

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

The application is being forwarded to Examiner Jason Boeckman of Art Unit 3752 for action on the merits commensurate with this decision. The examiner can be reached at 571-272-2708.

Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Len Tran, Art Unit 3752 at 571-272-1184.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Petition is **granted**.

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Harold H. Schobert :
Application No. 12/068,937 : ON PETITION
Filed: February 13, 2008 :
Attorney Docket No. CST-0001/US :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 26, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney for the applicant that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 15 2009

Kenyon & Kenyon LLP
1500 K Street, N.W.
Suite 700
Washington, DC 20005

In re application of	:	DECISION ON REQUEST TO
Tatsuya Imamura et al.	:	PARTICIPATE IN PATENT
Application No. 12/068,948	:	PROSECUTION HIGHWAY
Filed: February 13, 2008	:	PROGRAM AND PETITION
For: CONTROL DEVICE FOR POWER TRAIN	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 25, 2009, to make the above-identified application special.

The request and petition are **DISMSSED**.

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 pilot program and petition fail to include:

(3) all 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);

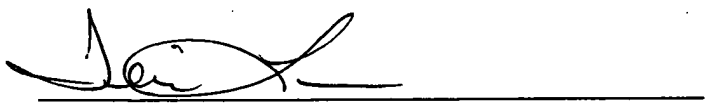
The claims of the US application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application. For example, U.S. claim 1 has not been amended to sufficiently correspond to JPO claim 1. JPO claim 1 recites a second control means "that controls at least one of the first rotary electric machine and the second rotary electric machine" to compensate for an amount "of reduction in torque transmitted to the wheel". Corresponding U.S. claim 1 does not require that the second control portion "controls at least one of the first rotary electric machine and the second rotary electric machine" nor does it require that the second control portion compensates for an amount of "reduction in torque". U.S. claim 1 require that the second control portion merely compensates for an amount of change in the torque, which doesn't necessarily have to be a reduction in torque.

According, the PPH petition fails meet the guidelines of the PPH program. Applicant is required to thoroughly review all the U.S. claims to ensure that they substantially correspond are amended to substantially correspond to the JPO 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 submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

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.



Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

07/14/09

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 25 2009

Kenyon & Kenyon LLP
1500 K Street, N.W.
Suite 700
Washington, DC 20005

In re application of	:	DECISION ON REQUEST TO
Tatsuya Imamura et al.	:	PARTICIPATE IN PATENT
Application No. 12/068,948	:	PROSECUTION HIGHWAY
Filed: February 13, 2008	:	PROGRAM AND PETITION
For: CONTROL DEVICE FOR POWER TRAIN	:	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 August 17, 2009, to make the above-identified application special.

The request and petition are **DENIED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(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).

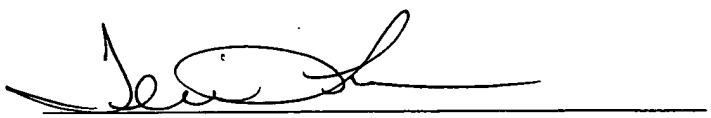
A first request and petition to participate in the PPH program was filed June 25, 2009. However, that request was dismissed in a decision mailed July 15, 2009 because not all the claims in the U.S. application sufficiently corresponded or were amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application.

Specifically, the JPO claims recite a second control means "that controls at least one of the first rotary electric machine and the second rotary electric machine" to compensate for an amount "of reduction in torque transmitted to the wheel". However, corresponding U.S. claims do not require that the second control portion "controls at least one of the first rotary electric machine and the second rotary electric machine" nor do they require that the second control portion compensates for an amount of "reduction in torque".

A second preliminary amendment has been filed concurrently with the instant request and petition. In the preliminary amendment, claim 1 has been amended to sufficiently correspond to allowable/patentable claim 1 of the JPO application. However, U.S. claims 2, 4, 5, 11 and 21 also recite a second control unit. These claims have not likewise been amended. In the July 15, 2009 decision, applicant was instructed to thoroughly review all the U.S. claims to ensure that they substantially correspond or be amended to substantially correspond to the allowable/patentable JPO claims.

According, the PPH petition fails meet the guidelines of the PPH program. Applicant is given a single opportunity to perfect the request in the renewed request for participation. Since the request was not perfected, the application will await action in its regular turn.

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.



Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

08/24/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 27 2008

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

In re Application of :
Hansen and Brazier :
Application No. 12/068,956 : DECISION REFUSING STATUS
Filed: February 13, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 03943.0154-0000 :
For: IGNITION-SOURCE DETECTING SYSTEM AND ASSOCIATED METHODS

This is a decision on the petition under 37 CFR 1.47(a) filed October 6, 2008.

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

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on February 13, 2008, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on March 4, 2008, requiring an executed oath or declaration and other formalities.

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

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

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

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), petitioner has not established that the non-signing inventor cannot be reached. Petitioner has only indicated that petitioner tried to obtain a last known business address for the non-signing inventor, and that a residential address for the non-signing inventor could not be found.

Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP), provides, in pertinent part, that:

> [w]here 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.

Petitioner is required to detail the diligent efforts to find a residential address for the non-signing inventor. Petitioner is not required to affirmatively locate the non-signing inventor, but must undertake the measures described above and detail these efforts in the renewed petition.

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

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

APR 10 2009

OFFICE OF PETITIONS

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

In re Application of
Hansen and Brazier
Application No. 12/068,956
Filed: February 13, 2008
Attorney Docket No. 03943.0154-0000
For: IGNITION-SOURCE DETECTING SYSTEM AND ASSOCIATED METHODS

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

This is a decision on the renewed petition under 37 CFR 1.47(a) filed March 27, 2009.

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

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

The above-identified application was filed on February 13, 2008, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on March 4, 2008, requiring an executed oath or declaration and other formalities. A petition under 37 CFR 1.47(a) was filed on October 6, 2008, and dismissed by a decision mailed October 27, 2008.

Petitioner has shown that inventor Hansen cannot be located to join the filing of the above-identified application.. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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.
12/068,959	02/13/2008	Takehito Kimata	MNL-2635-583	7112

7590 07/30/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
OLSEN, KAJ K	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
04/23/2008 SSITHIB1 00000053 12068959
02 FC:1111 -510.00 OP

Adjustment date: 08/04/2009 BPOWELL
04/23/2008 SSITHIB1 00000053 12068959
02 FC:1111 -510.00 OP

Refund Ref:
08/04/2009 0030072899

Credit Card Refund Total: $510.00

Aa Exp..: XXXXXXXXXX2021

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JAN 07 2009

LAW OFFICES OF LARRY K. ROBERTS, INC.
2 PARK PLAZA
SUITE 300
IRVINE CA 92614

In re Application of
T.J. Richards
Application No. 12/069,045
Filed: February 7, 2008
Attorney Docket No. 2095

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned.for failure to reply in a timely manner to the Notice mailed March 13, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The drawing sheets submitted on October 14, 2008, does not indicate (Replacement or Substitute drawings) on each sheet of the drawings as required.. See 37 CFR 1.121(d).

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

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

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

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF LARRY K. ROBERTS, INC.
2 PARK PLAZA
SUITE 300
IRVINE CA 92614

COPY MAILED

JAN 0 8 2009

In re Application of	:	
T.J. Richards	:	
Application No. 12/069,045	:	ON PETITION
Filed: February 7, 2008	:	
Attorney Docket No. 2095	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice mailed March 13, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

The substituted drawings submitted on October 14, 2008, are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

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

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

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

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF LARRY K. ROBERTS INC.
2 PARK PLAZA
SUITE 300
IRVINE CA 92614

MAILED

JAN 29 2009

OFFICE OF PETITIONS

In re Application of
T.J. Richards
Application No.12/069,045
Filed: February 7, 2008
Attorney Docket No. 2095

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed March 13, 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 appropriate action by the Examiner in the normal course of business on the reply received January 15, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Markus Hartmann	: DECISION ON REQUEST FOR
Patent Number	: 7628221	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/069,108	: 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 **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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

Application Information

Application Number	12069139	Confirmation Number	5182	Filing Date	2008-02-07
Attorney Docket Number (optional)	NAGA.6084US2-NY	Art Unit	3671	Examiner	Matthew Buck
First Named Inventor	Brian H. Nagamatsu				
Title of Invention	FLUID SHOVEL APPARATUS AND METHOD				

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
Brian	Henry	Nagamatsu	

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	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2009-11-23
Name	Arlen L. Olsen	Registration Number	37543

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Brian H. Nagamatsu

Application No. 12069139

Filed: February 7,2008

Attorney Docket No. NAGA.6084US2-NY

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

The petition is **GRANTED**.

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

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

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

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

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.
12/069,153	02/07/2008	Alan Amron	5617-13CIP	5282

7590 03/01/2010

Alfred W. Froebrich, Esq.
Cohen Pontani Lieberman & Pavane LLP
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER	
BAINBRIDGE, ANDREW PHILIP	

ART UNIT	PAPER NUMBER
3754	

MAIL DATE	DELIVERY MODE
03/01/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Alfred W. Froebrich, Esq.
Cohen Pontani Lieberman & Pavane LLP
Suite 1210
551 Fifth Avenue
New York NY 10176

Applicant: Amron
Appl. No.: 12/069,153
Filing Date: February 7, 2008
Title: APPARATUS FOR DISCHARGING A STREAM OF FLUID
Attorney Docket No.: 5617-13CIP
Pub. No.: US 2008/0290116 A1
Pub. Date: November 27, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 17, 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**. In addition, the Applicant did not provide a copy of the drawings for 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

Adjustment date: 03/02/2010 TIEMPY
02/18/2010 INTEFAW 00003399 032412 12069153
01 FC:1504 300.00 CR

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

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

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Normand Lucier	: DECISION ON REQUEST FOR
Patent Number	: 7665982	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/069,178	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/07/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **78** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VAN COTT, BAGLEY, CORNWALL & MCCARTHY
P.O. BOX 45340
SALT LAKE CITY UT 84145-0340

COPY MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Versteeg, Freddy	:	
Application No. 12/069,183	:	ON PETITION
Filed: February 6, 2008	:	
Attorney Docket No. 32970-67446	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration, Replacement Drawings and payment of the basic filing fee, search fee, examination fee and the late surcharge, (2) the petition fee, and (3) a proper 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). Accordingly, since the $865.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2612 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-08

ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA PA 19106-2399

COPY MAILED

OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of :
Keith Frederick Briegel et al : DECISION ON PETITION
Application No. 12/069,193 :
Filed: February 7, 2008 :
Atty Docket No. AO1367B :

This is a decision on the petition under 37 CFR 1.57(a), filed May 5, 2008, requesting that the above-identified application be accorded a filing date of February 7, 2008.

The petition is **GRANTED**.

On February 7, 2008, the instant application was deposited without drawings.

Accordingly, on March 6, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. The notice allowed a non-extendable period for reply of two-months from its mailing date.

The instant petition was filed on May 5, 2008, and is accompanied by an amendment requesting entry of the omitted drawings found in application serial number 11/521,969. A copy of the drawings was filed with the petition.

Petitioners state that "three (3) sheets of drawings were inadvertently omitted from the above-identified nonprovisional patent application, which is a divisional application and claims priority, under 37 C.F.R. 1.78, from the prior-filed nonprovisional patent application having US Appl. No. 11/521,969, filed September 15, 2006 ..."

Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporated by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification or drawings. When using 37 CFR 1.57 , applicant's are required to amend the application to include the inadvertently omitted material, and supply a copy of the prior-filed application and identify where the inadvertently omitted portion of the drawings can be found in the prior-filed application.

The present petition is accompanied by an amendment including drawings. The petition states that the inadvertently omitted three sheets of drawings are completely contained in the prior-filed application.

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

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of February 7, 2008, using the application papers received in the Office on that date and the drawings submitted with the present petition, and for an indication in the records of the Office that the application contains three (3) sheets of drawings (containing Figures 1-3).

The application is referred to the Office of Patent Application Processing for further processing and the issuance of a corrected filing receipt.

Telephone inquiries specific to this decision should be directed to Karen Creasy at (571)272-3208.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,247	02/09/2008	Garrett Steward Sayre		5671

7590 01/11/2010

Garrett S. Sayre
1900-I Piccadilly Loop
Yorktown, VA 23692

EXAMINER
NAJARIAN, LENA

ART UNIT	PAPER NUMBER
3686	

MAIL DATE	DELIVERY MODE
01/11/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

[illegible] Date
[illegible]/2010 NFARMER 0000169241

CHECK Refund Total: $255.00

Adjustment date: 01/11/2010 NFARMER
02/11/2008 MGEBREM1 00000040 12069247
02 FC:2111 -255.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WALTER L. BEAVERS
326 SOUTH EUGENE STREET
GREENSBORO, NC 27401

COPY MAILED

JUN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Mitchell A. HARB :
Application No. 12/069,248 : DECISION ON PETITION
Filed: February 8, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 02812-01 : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to Technology Center Art Unit 2615 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

COPY MAILED

MAY 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Muller et al. :
Application No. 12/069,282 : ON PETITION
Deposited: 02/08/2008 :
Attorney Docket No. 9516-688-999 :

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(A)" filed on April 4, 2008, requesting that the above-referenced application be accorded a filing date of February 8, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on February 8, 2008. However, on March 6, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

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

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of February 8, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

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

- **correction of the filing date to February 8, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed on April 4, 2008 will be determined by the examiner.

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

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK NY 10165

COPY MAILED

MAR 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Eisen, Juergen	:	
Application No. 12/069,283	:	ON PETITION
Filed: February 8, 2008	:	
Attorney Docket No. 2270-102US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration and an English translation of the specification, (2) the petition fee, and (3) a proper statement of unintentional delay.

The Power of Attorney submitted with the instant petition is hereby not accepted. Although a Statement under 3.73(b) was properly submitted, in order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

> (i) Documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment). For trademark matters only, the documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. For patent matters only, the submission of the documentary evidence must be accompanied by 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).

As there is no assignment currently of record, the assignee must provide documentary evidence of a chain of title from the original owner to the assignee as discussed in item (i) above.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

Mail Date: 04/21/2010

Applicant	: Mirei Hosono	: DECISION ON REQUEST FOR
Patent Number	: 7595955	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/069,311	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/07/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **40** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOX ROTHSCHILD LLP
BLUE BELL
997 LENOX DRIVE
BLDG 3
LAWRENCEVILLE NJ 08648-2311

MAILED

APR 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Kenneth C. Veit	:	DECISION ON PETITION
Application No. 12/069,361	:	TO WITHDRAW
Filed: February 8, 2008	:	FROM RECORD
Attorney Docket No. VEI-0001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2010.

The request is **APPROVED**.

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

The request was signed by Anton P. Ness on behalf of all attorneys of record who are associated with Customer No. 33941.

All attorneys/agents associated with Customer Number 33941 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, a Notice of Appeal filed November 2, 2009 requires a further response.

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: Kenneth C. Veit
1210 Hunter Hill Drive
Lansdale, PA 19446

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 12 2010

OFFICE OF PETITIONS

DR. VERA MADZAREVIC
34 BARCLAY CT
THORNHILL ON L3T 5T3 CA CANADA

In re Application of :
Mikalacki et al. :
Application No. 12/069,410 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No. None :

This is a decision on the petition filed in the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition under the unintentional provisions of 37 CFR 1.137(b) to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. *See* 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

However, if petitioner contests the abandonment of the above application and believes that no fee should be assessed, a petition under 37 CFR 1.181 to withdraw the holding of abandonment may be more appropriate. *See* MPEP 711.03(c)(I)(A) "Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action". Petitioner should note that filing a petition under 37 CFR 1.181 does not necessarily guarantee that it will be granted.

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 Alicia Kelley at (571) 272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,434	02/08/2008	Stefanie Schwingenschlogl	MB 686	6904

7590 01/07/2009

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER	
ART UNIT	PAPER NUMBER
3747	
MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tom Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2009 NFARMER
06710/2008 HVUONG1 00000002 500465 12069434
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,435	02/08/2008	Marcus Heller	MB 684	7032

7590 08/14/2009

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER	
MEYER, JACOB B	

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
08/14/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 08/14/2009 BPOWELL
06/16/2008 WABDELR1 00000006 500465 12069435
02 FC:1111 510.00 CR

Adjustment date: 08/14/2009 BPOWELL
06/16/2008 WABDELR1 00000006 500465 12069435
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,449	02/08/2008	Eberhard Mayer	MB 685	7049

7590 01/07/2009

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER	
ART UNIT	PAPER NUMBER
3749	
MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2009 NFARMER
06/10/2008 HVUONG1 00000001 500465 12069449
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Garcia, et al. : DECISION ON PETITION
Application No. 12/069,462 :
Filed: February 11, 2008 :
Attorney Docket No. 81216(302033) :

This is a decision on the "PETITION UNDER 37 C.F.R. 1.181 REQUESTING CONFIRMATION OF PROPER FILING, OR IN THE ALTERNATIVE, TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR §1.137(b)", filed February 11, 2009.

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

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

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed March 6, 2008. This Notice set a period for reply of two months to submit an executed oath or declaration and the surcharge for its late filing. Applicants filed a declaration and surcharge, together with a five month extension of time, on October 6, 2008. However, the declaration did not contain the signatures of all inventors. Nor did applicants submit a rule 47 petition with respect to the non-signing inventors. As such, applicants did not submit a complete reply to the Notice, and the application became abandoned by operation of law on October 7, 2008. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

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

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

The application is being forwarded to Group Art Unit 2876 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

MAR 12 2009

OFFICE OF PETITIONS

Applicant: Zeldis
Appl. No.: 12/069,473
Filing Date: February 11, 1008
Title: METHODS FOR TREATMENT OF BEHCET'S DISEASE USING CYCLOPROPYL-N-{2-[1S)-1-(3-ETHOXY-4-METHOXYPHENYL)-2-(METHYLSULFONYL)ETHYL]-3-OXOISOINDOLINE-4-YL}CARBOXAMIDE
Attorney Docket: 9516-693-999
Pub. No.: US 2008/0138295 A1
Pub. Date: June 12, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 22, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the title of the invention was misprinted.

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

The error on the front page of the publication wherein the title of the invention was misprinted may be an Office error, but it is a not material Office error under 37 CFR 1.221. The errors do not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the

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

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 March 10, 2008, a Filing Receipt was mailed by the Office, which improperly listed the title of the invention. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOEFFLER JONAS & TUGGEY, LLP
755 EAST MULBERRY STREET
SUITE 200
SAN ANTONIO TX 78212

COPY MAILED

MAY 13 2009

OFFICE OF PETITIONS

In re Application of :
Heidemeyer, Darwin Jr. :
Application No. 12/069,478 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No. 80562.00003 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response to the Non-Final Office Action and a Terminal Disclaimer, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 3723 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

COPY MAILED

MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Garcia, et al.	:	DECISION ON PETITION
Application No. 12/069,508	:	
Filed: February 11, 2008	:	
Attorney Docket No. 80842(302033)	:	

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed February 11, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed March 6, 2008. This Notice set a period for reply of two months to submit an executed oath or declaration and the surcharge for its late filing. No oath or declaration and surcharge having been received, the application became abandoned on May 7, 2008. A Notice of Abandonment was mailed on November 12, 2008.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to

Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Garcia, et al. : DECISION ON PETITION
Application No. 12/069,509 :
Filed: February 11, 2008 :
Attorney Docket No. 81214(302033) :

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed February 11, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed March 6, 2008. This Notice set a period for reply of two months to submit an executed oath or declaration and the surcharge for its late filing. Applicant filed an oath or declaration, together with a five month extension of time, on October 7, 2008. However, as this was one day late, the application became abandoned on that date. A Notice of Abandonment was mailed on November 25, 2008.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Garcia, et al. : DECISION ON PETITION
Application No. 12/069,532 :
Filed: February 11, 2008 :
Attorney Docket No. 81217(302033) :

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed February 11, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed March 5, 2008. This Notice set a period for reply of two months to submit an executed oath or declaration, the surcharge for its late filing, and replacement drawings. Applicants timely filed an oath or declaration, together with a five month extension of time, on October 6, 2008 (made timely by the fact that October 5, 2008 fell on a Sunday. See 37 CFR 1.7(a)). However, the reply did not include replacement drawings. As such, the application became abandoned on October 6, 2008. A Notice of Abandonment was mailed on November 24, 2008.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUINN EMANUEL
KODA & ANDROLIA
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES CA 90017

COPY MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Peng-Kai Chuang :
Application No. 12/069,538 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No. 21535-942A 4101

This is a decision on the petition under 37 CFR 1.181 filed on January 6, 2009, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on May 8, 2009, after no response was received to the Notice to File Missing Parts of Non-Provisional Application mailed March 7, 2008, which set a shortened period for reply of two-months from its mailing date. The Notice required replacement drawings and an oath or declaration to be filed. A response was filed on April 11, 2008. On April 25, 2008, a Notice of Incomplete Reply was mailed indicating that the replacement drawings filed April 11, 2008, were not acceptable and required a new set of replacement drawings to be filed. The period for reply remained as set forth in the Notice mailed March 7, 2008. No response was received within the allowable period, and the application became abandoned on May 8, 2008. A Notice of Abandonment was mailed on November 12, 2008.

In the instant petition, petitioner argues that the imposition of holding of abandonment was improper because the drawings filed April 11, 2008, were acceptable and indicates that an employee of the Office of Patent Application Processing told applicant that it was not necessary to file any additional drawings.

Petitioner's argument is not persuasive. Applicant is not a liberty to ignore a requirement made in the Notice of Incomplete Reply regardless of whether applicant believed the drawings were adequate and notwithstanding the alleged oral assurances of the USPTO employee[1]. The Notice of Incomplete Reply made a requirement for replacement drawings, and applicant was obligated to file a timely response to the notice as there was not indication in the application file history that the requirement for replacement drawings had been withdrawn. Section 711.02 of the Manual of Patent Examining Procedure, citing 37 CFR 1.135(a) states, in pertinent part, that, "...an application becomes abandoned if applicant "fails to reply" to an office action within the fixed statutory period. This failure may result either from (A) failure to reply within the statutory period, or (B) insufficiency of reply, i.e., failure to file a "complete and proper reply, as the condition of the case may require" within the statutory period (37 CFR 1.135(b))."

[1] Petitioner is advised that the alleged oral statements of the USPTO employee advising petitioner that there was no need to respond to the Notice of Incomplete Reply is of no consequence as per 37 CFR 1.2 which states that "[a]ll business with the Patent and Trademark Office should be transacted in writing...The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. Not attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is a disagreement doubt."

12/069,538

In this case, applicant failed to respond to the Notice of Incomplete Reply, and the application was properly held abandoned on May 8, 2009.

Alternatively, petitioner may revive the application 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, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUINN EMANUEL
KODA & ANDROLIA
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES CA 90017

COPY MAILED

SEP 25 2009

OFFICE OF PETITIONS

In re Application of :
Peng-Kai Chuang :
Application No. 12/069,538 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No. 21535-942A 4101 :

This is in response to the petition under 37 CFR 1.137(b) filed August 24, 2009.

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

The application became abandoned on May 8, 2009, after no response was received to the Notice to File Missing Parts of Non-Provisional Application mailed March 7, 2008, which set a shortened period for reply of two-months from its mailing date. The Notice required replacement drawings and an oath or declaration to be filed. A response was filed on April 11, 2008. On April 25, 2008, a Notice of Incomplete Reply was mailed indicating that the replacement drawings filed April 11, 2008, were not acceptable and required a new set of replacement drawings to be filed. The period for reply remained as set forth in the Notice mailed March 7, 2008. No response was received within the allowable period, and the application became abandoned on May 8, 2008. A Notice of Abandonment was mailed on November 12, 2008.

The replacement drawings filed August 24, 2009, are noted.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

K.A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACK RAY PITTMAN
2828 TRISTAN DR.
PUNTA GORDA FL 33955

COPY MAILED

OCT 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Jack Ray PITTMAN :
Application No. 12/069,551 : DECISION ON PETITION
Filed: February 12, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

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

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include a doctor's certificate or other medical certificate indicating the prognosis of applicant's mental illness that would render him unavailable to assist in the prosecution of the application if it were to run its normal course.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3611 for action in its regular turn.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

MAILED

APR 30 2010

OFFICE OF PETITIONS

In re Application of :
Andrew KARELLAS :
Application No. 12/069,557 : DECISION ON PETITION
Filed: February 11, 2008 :
Attorney Docket No. UMASS-006IX :

This is a decision on the petition, filed January 26, 2010, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non-final Office action mailed on May 21, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 21, 2009.

Petitioner states that a timely reply in the form of an Amendment was timely filed on Monday, November 23, 2009, with the appropriate request for a three (3) month extension of time.

A review of the record reveals that an Amendment dated Monday, November 23, 2009, with the appropriate request for a three (3) month extension of time, is located in the Office's Image File Wrapper System.

As such, the papers filed on Monday, November 23, 2009, constituted a timely response to the non-final Office action mailed on May 21, 2009.

Therefore, the showing of record is that a response was timely filed, and there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

This application is referred to Technology Center Art Unit 2882 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 30 2009

OFFICE OF PETITIONS

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of :
James Condron :
Application No. 12/069,558 : DECISION ON PETITION
Filed: February 11, 2008 : TO WITHDRAW
Attorney Docket No. **1150-002us** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 17, 2009.

The request is **APPROVED**.

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

The request was signed by Robert M. Haroun on behalf of all attorneys of record who are associated with the above application

All attorneys/agents associated with the above application 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 James Condron at the address list listed in the request.

There is an outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: James Condron
92 Chestnut Hill Road
Wilton, CT 06877

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/069,558	02/11/2008	James Condron	1150-002us

CONFIRMATION NO. 6525

POWER OF ATTORNEY NOTICE

39600
SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

OC000000038041757

Date Mailed: 09/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/17/2009.

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

/jlburke/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,580	02/11/2008	Hiroaki Kuwabara	4041J-001410	7290

27572 7590 12/31/2009

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

EXAMINER	
NGUYEN, HUNG T	
ART UNIT	**PAPER NUMBER**
2612	
MAIL DATE	**DELIVERY MODE**
12/31/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
KUWABARA, HIROAKI et al.	:	DECISION ON REQUEST TO
Application No. 12/069,580	:	PARTICIPATE IN PATENT
Filed: February 11, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **4041J-001410**	:	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 November 25, 2009, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more 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 are dismissed as moot as the examination of the above-identified application has begun. The Notice of Allowance was mailed on December 30, 2009.

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 Office of Publications.

/Doris To/

_____

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,613	02/12/2008	Sumito Nishioka	81227(70904)	7182

7590 12/17/2008

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

EXAMINER	
ART UNIT	PAPER NUMBER
2834	
MAIL DATE	DELIVERY MODE
12/17/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 12/23/2008 KKING1
02/14/2008 HLE333 00000009 041105 12069613
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,613	02/12/2008	Sumito Nishioka	81227(70904)	7182

EXAMINER

7590 12/17/2008

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
12/17/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

The application **has/will be published** as scheduled.

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Michael Roth	: DECISION ON REQUEST FOR
Patent Number	: 7579411	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/069,641	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/12/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/069,642	02/11/2008	Gary Hering	21167-017001	7719

26211 7590 07/08/2008
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/08/2008	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
www.uspto.gov

CST

7-8-08

In re application of
Gary Hering et al
Serial No. 12/069,642
Filed: February 11, 2008
For: SOLAR CELL RECEIVER FOR CONCENTRATED PHOTOVOLTAIC SYSTEM FOR III-V SEMICONDUCTOR SOLAR CELL

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on February 11, 2008 to make the above-identified application special because a preexamination search has been performed in accordance with MPEP 708.02, section VIII.

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

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection VIII (accelerated examination based on preexamination search) was required to be filed prior to August 25, 2006. See also MPEP § 708.02(a).

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) on or after August 25, 2006;
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, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS).

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/069,673	02/12/2008	Eitaro Terakawa	701703.000000	7132

29540 7590 08/20/2008

DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

EXAMINER	
BLACK, MELISSA ANN	

ART UNIT	PAPER NUMBER
3612	

MAIL DATE	DELIVERY MODE
08/20/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTORS OFFICE

AUG 19 2008

TECHNOLOGY CENTER 3600

Day Pitney LLP
7 Times Square
New York, NY 10036-7311

In re application of
Eitaro Teerakawa
Application No. 12/069,673
Filed: February 12, 2008
For: RAIN AND SNOW PROTECTION DEVICE

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

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

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 8/19/08

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

COPY MAILED
MAR 31 2008

In re Application of
HATTER, Jesse Andrew et al.
Application No. 12/069,676
Filed: December 12, 2007
Attorney Docket No. **JH03-01U**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's driver's license as evidence that Audrella Marie Jackson is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RISTO A. RINNE, JR.
2173 EAST FRANCISCO BLVD., SUITE E
SAN RAFAEL, CA 94901

COPY MAILED

MAR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Edmond Heng Lim :
Application No. 12/069,687 : DECISION ON PETITION
Filed: February 11, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. LIM-6 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of applicant Edmond Heng Lim's birth certificate, passport and senior citizen ID card. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3728 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MELVIN I. STOLTZ
51 CHERRY STREET
MILFORD CT 06460

COPY MAILED

APR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Mohammed Aljohani et al. :
Application No. 12/069,701 : ON PETITION
Filed: February 11, 2008 :
Attorney Docket No.: **506-164** :

This is a decision on the petition filed March 23, 2009, to change the order of the names of the inventors. The petition is being treated under 37 CFR 1.182.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

1. Mohammed Aljohani
2. Fathi Djouider

A corrected filing receipt reflecting the correct order of the names of the inventors is attached.

This matter is being referred to Technology Center 2884 for further examination in due course.

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

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
12/069,701	02/11/2008	2884	580	506-164	7	1

CONFIRMATION NO. 7409

Melvin I. Stoltz
51 Cherry Street
Milford, CT 06460

CORRECTED FILING RECEIPT

OC000000035302498

Date Mailed: 04/02/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Mohammed Aljohani, Jeddah, SAUDI ARABIA;
Fathi Djouider, Jeddah, SAUDI ARABIA;

Power of Attorney: The patent practitioners associated with Customer Number 27106

Domestic Priority data as claimed by applicant

Foreign Applications
UNITED KINGDOM 0702754.3 02/13/2007

If Required, Foreign Filing License Granted: 03/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/069,701**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Ionizing radiations

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

In re Application of :
LAVROVA, Yuliaya K. :
Application No. 12/069,758 : DECISION ON PETITION
Filed: February 13, 2008 : TO WITHDRAW
Attorney Docket No. **4017-005** : FROM RECORD
:

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Jinan Glasgow, the sole attorney of record. Jinan Glasgow has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

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

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **YULIYA KIMOVNA LAVROVA**
104 BRIGH STONE DRIVE
CARY NC 27513

cc: **KOKKA & BACKUS, PC**
200 PAGE MILL ROAD
SUITE 103
PALO ALTO, CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL
SUITE 300
NEWPORT BEACH, CA 92660

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Gregg Alan Klang, et al. :
Application No. 12/069,801 :
Filed: February 11, 2008 :
Attorney Docket No. Klang.G-01US :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dardi & Associates, PLLC
US Bank Plaza
Suite 2000
220 South 6th Street
Minneapolis, MN 55402

Mail Date: 04/21/2010

Applicant	: Chandrashekhar P. Pathak	: DECISION ON REQUEST FOR
Patent Number	: 7592418	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/069,821	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/13/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **7** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,845	02/13/2008	Sue K. DeNise	MMI-0104 (14972.105017)	8079

20786 7590 01/30/2009

KING & SPALDING
1180 PEACHTREE STREET , NE
ATLANTA, GA 30309-3521

EXAMINER	
THOMAS, DAVID C	

ART UNIT	PAPER NUMBER
1637	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 2 9 2009

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

In re Application of	:
DENISE et al.	:
Serial No.: 12/069,845	: PETITION TO MAKE SPECIAL
Filed: February 13, 2008	:
Attorney Docket No.: **MMI-0104 (14972.105017)**	:

This is in response to applicants' petition filed August 25, 2008, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, II, (A), (B), and (C). Specifically, applicants have provided a statement that (A) That there is an infringing device or product actually on the market or method in use; (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicants have also provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record. See MPEP 708.02 II for a complete explanation.

The $130.00 petition fee as required by 37 CFR 1.17(h) was charged to applicant's Deposit Account No. 11-0980, as directed.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 24 2009

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

KING & SPALDING
1180 PEACHTREE STREET , NE
ATLANTA GA 30309-3521

In re Application of :
Denise et al.
Serial No.: 12/069,845
Filed: February 13, 2008
Attorney Docket No.: **MMI-0104**
(14972.105017)

: PETITION DECISION

This is a supplemental decision on the petition filed August 25, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

This decision supersedes the previous decision mailed on January 29, 2009, which is not in accordance with 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) see below.

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 does not conform with 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).

Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a).

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

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

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

Rodney K. Worrel
Worrel & Worrel
St. Croix Professional Center, Suite 121
2109 W. Bullard Avenue
Fresno, CA 93711-1258

COPY MAILED

APR 2 8 2009

OFFICE OF PETITIONS

In re Application of

Gile M. Strong
Application No. 12/069,853
Filed: February 12, 2008
Attorney Docket No. W-4277

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 9, 2009, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

The petition was accompanied by a Discharge Summary. Although petitioner declares that he may not be able to assist in the prosecution of the present application if it were to run its normal course, the Office requests that a current medical certificate or other showing of the state of health of Gile M. Strong by her medical doctor and his/her signature.

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3724 for action in its regular turn.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

COPY MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Theodore A. Benderev	:	DECISION ON PETITION
Application No. 12/069,858	:	TO WITHDRAW
Filed: February 13, 2008	:	FROM RECORD
Attorney Docket No. BENDF-004B1C	:	

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 19, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Stetina Brunda Garred & Brucker does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Stetina Brunda Garred & Brucker not having power of attorney. See MPEP §§ 601.03 and 405.

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 Petitions Examiner Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,899	02/13/2008	Ehud Mendelson	NAVEMERGENCY	6674

61887 7590 04/29/2008

EHUD MENDELSON
GAMBA GROUP LLC
11190 HERON BAY BLVD.
SUITE 916
CORAL SPRINGS, FL 33076

EXAMINER	
ART UNIT	PAPER NUMBER
2186	

MAIL DATE	DELIVERY MODE
04/29/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ehud Mendelson
GAMBA GROUP LLC
11190 Heron Bay Blvd.
Suite 916
CORAL SPRINGS, FL 33076

In re Application of:
Ehud Mendelson
Serial No.: 12/069899
Filed: February 13, 2008
Docket: NAVEMERGENCY
Title: SYSTEM AND METHOD FOR PROVIDING ALARMING NOTIFICATION AND REAL-TIME, CRITICAL EMERGENCY INFORMATION TO OCCUPANTS IN A BUILDING OR EMERGENCY DESIGNED AREA AND EVACUATION GUIDANCE SYSTEM TO AND IN THE EMERGENCY EXIT ROUTE

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 February 13, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102.

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 Missing Parts of Nonprovisional Application on March 19, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

Note also that MPEP § 708.02 requires that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or ***if it complies with the requirements set forth in MPEP § 708.02(a)***. Note that any petition to make special under 37 CFR 1.102(c) and MPEP § 708.02, subsections V and VI was required to be filed prior to August 25, 2006.

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

Any inquiry regarding this decision should be directed to the undersigned 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, Quality Assurance Specialist

Technology Center 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

DENNIS W. BEECH
(LAW OFFICE OF DENNIS W. BEECH)
P.O. BOX 519
MURRIETA, CA 92564-0519

COPY MAILED

MAY 21 2008

OFFICE OF PETITIONS

In re Application of :
RUSSELL, Charles Williams Sr. :
Application No. 12/069,936 : DECISION ON PETITION
Filed: February 13, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Charles Williams Russell, Sr. attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

RECEIVED
CENTRAL FAX CENTER
JUN 01 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DENNIS W. BEECH
(LAW OFFICE OF DENNIS W. BEECH)
P.O. BOX 519
MURRIETA, CA 92564-0519

COPY MAILED

MAY 21 2008

OFFICE OF PETITIONS

In re Application of :
RUSSELL, Charles Williams Sr. :
Application No. 12/069,936 : DECISION ON PETITION
Filed: February 13, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Charles Williams Russell, Sr. attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO IL 60603-5803

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Bala et al. :
Application No. 12/069,948 : DECISION GRANTING PETITION
Filed: February 14, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 53372-400690 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 17, 2009, 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 Application Data Sheet (ADS).

The petition is **GRANTED**.

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

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

The instant pending nonprovisional application was filed on February 14, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/901,391, which was filed on February 14, 2007, for which priority is claimed. A reference to the prior-filed provisional application has been included in an ADS.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Also, the reference to the prior-filed provisional application was submitted during the pendency of the nonprovisional application for which the benefit is sought. *See* 35 U.S.C. §119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §119(e), the petition to accept an unintentionally delayed claim of benefit to prior-filed provisional Application No. 60/901,391 is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the

prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

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

This matter is being referred to Technology Center AU 2129 for appropriate action including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/901,391.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/069,948	02/14/2008	2129	710	53372-400690	21	4

CONFIRMATION NO. 8167

CORRECTED FILING RECEIPT

27717
SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

Date Mailed: 09/24/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jerzy Bala, Potomac Falls, VA;
B. K. Gogia, Ashburn, VA;
Jesus Mena, El Paso, TX;

Power of Attorney: The patent practitioners associated with Customer Number 27717

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/901,391 02/14/2007
and is a CIP of 11/904,982 09/28/2007
which is a CIP of 10/616,718 07/10/2003 PAT 7,308,436
which claims benefit of 60/394,526 07/10/2002
and claims benefit of 60/394,527 07/10/2002

Foreign Applications

If Required, Foreign Filing License Granted: 03/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/069,948**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Distributed decision making for supply chain risk assessment

Preliminary Class

706

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

COPY MAILED

DEC 14 2009

OFFICE OF PETITIONS

In re Application of
Frank L. Araiza
Application No. 12/069,983
Filed: February 14, 2008
Attorney Docket No. IDSFA-001A

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **APPROVED**.

The request was signed by William J. Brucker on behalf of the practitioners of record associated with Customer Number 007663.

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

All future correspondence will be directed to inventor Frank L. Araiza 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: Frank L. Araiza
1048 Irvine Ave., #632
Newport Beach, CA 92660

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/069,983	02/14/2008	Frank L. Araiza	IDSFA-001A

CONFIRMATION NO. 8278

7663
STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

POWER OF ATTORNEY NOTICE

OC000000039194255

Date Mailed: 12/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/13/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/069,983	02/14/2008	Frank L. Araiza	IDSFA-001A

CONFIRMATION NO. 8278

Frank L. Araiza
1048 Irvine Ave., # 632
Newport Beach, CA 92660

POA ACCEPTANCE LETTER

OC000000039194289

Date Mailed: 12/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/13/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWARD M. ELLIS
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

COPY MAILED

APR 22 2008

OFFICE OF PETITIONS

In re Application of :

BOMMARAJU, Tilak :
Application No. 12/069,995 :
Filed: February 14, 2008 :
Attorney Docket No. **PTOP:101AUS** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 14 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the driver's license of inventor Tilak Bommaraju, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

The application became abandoned for failure to time respond to the office action mailed on April 4, 2007.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

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

The application is being forwarded to the Technology Center AU 3749 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWARD M. ELLIS
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

COPY MAILED

MAY 0 8 2008

OFFICE OF PETITIONS

In re Application of :
BOMMARAJU, Tilak :
Application No. 12/069,995 : DECISION ON PETITION
Filed: February 14, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **PTOP:101AUS** : 37 CFR 1.102(c)(1)
:

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 14 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the driver's license of inventor Tilak Bommaraju, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

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

The application is being forwarded to the Technology Center AU 3749 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

COPY MAILED

OCT 10 2008

OFFICE OF PETITIONS

In re Application of :
MASHLIAH, Denis A. et al. :
Application No. 12/070,019 : DECISION ON PETITION
Filed: February 13, 2008 : TO WITHDRAW
Attorney Docket No. **PA4199US** : 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 31, 2008.

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

A review of the file record indicates that the power of attorney to Carr & Ferrell LLP has been revoked by the applicant of the patent assignee on August 26, 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: **PETERS VERNY, L.L.P.**
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALWORTH LAW & ENGINEERING
505 CUMBERLAND ROAD
TYLER TX 75703-9324

COPY MAILED
JAN 14 2009

In re Application of :
Richard H. GARRETT :
Application No. 12/070,028 : DECISION ON PETITION
Filed: February 14, 2008 :
Attorney Docket No. 2008 PAT 259 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 07, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 08, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings as required by the March 07, 2008 Notice, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

It is noted that the refund of the additional fees of $840 as requested Petitioner in the March 20, 2008 letter was granted and refund of $840 was issued on March 26, 2008. Further questions regarding this refund should be directed to the Office of Finance at 571-272-6400.

Telephone inquiries concerning this decision should be directed to Felix O. Figueroa at (571) 272-6051 or in his absence, to the undersigned at 571-272-7099.

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 November 28, 2008.

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH CA 92660

COPY MAILED

APR 22 2008

OFFICE OF PETITIONS

In re Application of :
BALDASSARE, Fred :
Application No. 12/070,045 :
Filed: February 14, 2008 :
Attorney Docket No. **Baldas.F-01US** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 14 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement of inventor Fred Baldassare, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

The application became abandoned for failure to time respond to the office action mailed on April 4, 2007.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800.

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

The application is being forwarded to the Technology Center AU 2834 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,051	02/14/2008	Hui Cai	PRD2808UNP	8123

27777 7590 01/07/2010

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER	
WILLIS, DOUGLAS M	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
01/07/2010	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):

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com

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

JAN 0 7 2010

Jesus Joanos I Timoneda
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of	:
Cai et al.	:
Serial No.: 12/070,051	:DECISION ON PETITION
Filed: 14 February 2008	:
Attorney Docket No.: PRD2808USNP	:

This letter is in response to the Petition filed on 18 November 2009 requesting review and withdrawal of the objection to the abstract in the office action mailed 17 August 2009.

The examiner objected to the abstract because it fails to exemplify any members or formulae of its class. The examiner required correction per MPEP 608.01(b). The abstract is shown below:

> **Abstract**
>
> 2-Aminopyrimidine compounds are described, which are useful as H_4 receptor modulators. Such compounds may be used in pharmaceutical compositions and methods for the treatment of disease states, disorders, and conditions mediated by H_4 receptor activity, such as allergy, asthma, autoimmune diseases, and pruritis.

This abstract is comparable to the following example of an abstract for chemical compounds included in Form Paragraph 6.15 of MPEP 608.01(b) as appropriate:

> "The compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics."

From a review of the abstract and from MPEP 608.01(b), no objection is warranted.

The petition is **GRANTED** for the reasons set forth above.

The objection to the abstract is hereby withdrawn.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,051	02/14/2008	Hui Cai	PRD2808UNP	8123

27777 7590 01/07/2010

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER	
WILLIS, DOUGLAS M	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
01/07/2010	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):

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com

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

JAN 0 7 2010

Jesus Joanos I Timoneda
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of	:
Cai et al.	:
Serial No.: 12/070,051	:DECISION ON PETITION
Filed: 14 February 2008	:
Attorney Docket No.: PRD2808USNP	:

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on 17 November 2009 requesting withdrawal or correction of the restriction requirement.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

On 23 February 2009, the examiner mailed a restriction requirement in which claims 1-41 were divided into 7 groups. The examiner also required an election of species.

On 23 March 2008, Applicants elected Group I, claims 1-4 and 7-22, and the compound of, example 11 of the specification, with traverse. Applicant indicated that Claims 1-4, 7-16, 18, 20 and 21 read upon this species.

On 15 April 2009, the examiner mailed to applicants a non-final Office action, in which the examiner considered the traversal and made the restriction requirement FINAL. Claims 5, 6 and 23-41 were withdrawn from consideration. Claims 1-4 and 7-22 were examined with respect to the elected compound. The following grounds of rejection were applied:

> Claims 1-4 and 7-22 were objected to because they lack compliance with the requirement for restriction/election of species mailed 23 February 2009.

Claims 1-4, 7-15 and 20 were rejected under 35 U.S.C. § 112, first paragraph, for scope of enablement;
Claims 1-4, 7-15 and 20 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness;
Claims 1-4, 8, 15-16, 18, 20-21 were rejected under 35 U.S.C. § 102(b);
Claims 1-4, 8, 15, 17, 19, 20 and 22 were rejected under 35 U.S.C. § 102(e); and
Claims 1-4, 7, 15-16, 18, 20-21 were rejected under 35 U.S.C. § 103(a).

On 14 July 2009, applicants filed a response to the Office action.

On 17 August 2009, the examiner mailed to applicants a final Office action. Claims 5 and 23-24, 26-31 and 36-41 were withdrawn from consideration. Claims 1-4, 7-12, 14-16 and 20-21 were examined with respect to the elected compound. The following grounds of rejection were applied:

The abstract was objected to.
Claims 1, 7-12, 14, 15, 20 and 21 were objected to because they lack compliance with the requirement for restriction/election of species mailed 23 February 2009.
Claims 1, 2, 4, 8, 16, 20 and 21 were rejected under 35 U.S.C. § 102(e).

On 16 November 2009, applicants filed a response to the Office action and a request for continued examination.

On 17 November 2009, applicants filed this petition under consideration.

On 18 November 2009, applicants filed a petition to withdraw the abstract, which is being decided in a separate letter.

DISCUSSION

The petition and file history have been carefully considered.

Applicants wish to have the record clarified with respect to how the claims have been grouped for restriction. Applicants are correct that this information is essential in order to know which claims can be safely placed in divisional applications without raising potential double patenting concern in view of the claims under examination here.

Applicants also request that the characterization of the groups be consistent with the claims, as grouped.

Moreover, applicants request that the Office correctly acknowledge their election. On 23 March 2009, applicants elected Group I with traverse. Applicant specifically stated that "Claims 1-4 and 7-22 read on Group I."

The subsequent actions have not resolved the confusion by correctly characterizing the groups or by accurately sorting the claims, as they were pending at time of the first Office action on the

merits, into the following patentably distinct groups. The Groupings set forth below are directed to the claim set as filed on 24 March 2009:

Group I, Claims 1-4 and 7-22, drawn to substituted pyrimidinamines and pharmaceutical compositions of the formula (I), where R1 and R2 taken together do not form a ring and R3 and R4, taken together with the nitrogen atom to which they are attached form a heterocyclic ring, selected from those recited in Claim 1, classified in class 514, subclass 275.

Group II, Claims 1-4, 15, 17, 19, 20, and 22 drawn to substituted pyrimidinamines and pharmaceutical compositions of the formula (I), where R1 and R2 taken together do not form a ring and R3 and R4, taken together with the nitrogen atom to which they are attached, do not form a ring, selected from those recited in Claim 1, classified in class 514, subclass 275.

Group III, Claims 1, 5-22, drawn to substituted pyrimidinamines and pharmaceutical compositions of the formula (I), where R1 and R2 taken together form a ring, consisting of $-(CH_2)_{3\text{-}5}$ or $-(CH_2)_2OCH_2$ and R3 and R4, taken together with the nitrogen atom to which they are attached, form a heterocyclic ring, selected from those recited in Claim 1, classified in class 514, subclass 258.1.

Group IV, Claims 1, 5-15, 17, 19, 20, drawn to substituted pyrimidinamines and pharmaceutical compositions of the formula (I), where R1 and R2 taken together form a ring, consisting of $-(CH_2)_{3\text{-}5}$ or $-(CH_2)_2OCH_2$-; and R3 and R4, taken together with the nitrogen atom to which they are attached, do not form a ring, selected from those recited in Claim 1, classified in class 514, subclass 258.1.

Rejoined Group (V-VI), Claims 23-35, drawn to a method of a method for modulating histamine H4 receptor activity, comprising exposing histamine H4 receptor to an effective amount of at least one chemical entity selected from compounds of formula (I), or comprising treating a subject suffering from or diagnosed with a disease, disorder or medical condition mediated by histamine H4 receptor activity comprising administering to a subject in need of such treatment an effective amount of at least one chemical entity selected from compounds of formula (I), classified in class 424, subclass varies.

Group VII, Claims 36-41, drawn to a method of making substituted pyrimidinamines and pharmaceutical compositions of the formula (I), classified in class 544, subclass varies.

The restriction between original Group V, Claims 23-29, and original Group VI, Claims 30-35, is improper with because both Groups read upon treatment of humans. See dependent claims 33-35. Per MPEP 806, Part (C), with emphasis added, "where inventions are related as disclosed but are not distinct as claimed, *restriction is never proper.*"

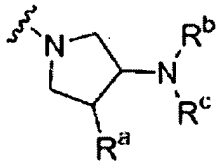
Per MPEP 806.03, with emphasis added, "where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, *restriction therebetween should never be required.* This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition."

On 16 November 2009, applicants filed an amendment which results in the following claim status:

Claims 1-6, 17-19, 22-41 are cancelled.

Claims 7, 15, 16, 20, 21 have been amended to read upon elected invention.

The claims are now limited to the elected invention because independent Claim 7 requires that R1 is isopropyl and R2 is H. This is consistent with the elected invention because an isopropyl and a hydrogen cannot form a ring. Moreover, independent claim 7 is limited to the elected Group I because R3-N-R4 taken together with the nitrogen atom to which they are attached form the following heterocyclic ring,



It is noted that the objection to the claims for lacking compliance with the restriction requirement was improper in view of MPEP 803.02, 809, and last paragraph of 821.03 which permits applicants to retain non-elected species recited in the alternative of a Markush claim.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The restriction requirement between Groups V and VI is hereby withdrawn. For purposes of filing a divisional application, Claims 23-35 have been joined together.

The objection to the claims for lacking compliance with the restriction requirement is hereby withdrawn.

The claims have hereby been correctly sorted into Groups. The Groups have been corrected to accurately characterize the claimed subject matter corresponding to each group.

Applicant's election dated 23 March 2009, and the claims corresponding to the elected invention, is hereby clearly acknowledged.

The application will be forwarded to the examiner for consideration of the papers filed on 16 November 2009 and for preparation of an Office action consistent with this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 21 2009

OFFICE OF PETITIONS

KAGAN BINDER, PLLC
Suite 200, Maple Island Building
211 Main Street North
Stillwater, MN 55082

In re Application of	:	
Mark C. Anderson	:	
Application No. 12/070,058	:	DECISION ON PETITION
Filed: February 14, 2008	:	TO WITHDRAW
Attorney Docket No. ATK0003/US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2009.

The request is **APPROVED**.

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

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

All future correspondence will be directed to the first named inventor Mark C. Anderson at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Mark C. Anderson**
5001 Dominick Drive
Minnetonka, MN 55343

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/070,058	02/14/2008	Mark C. Anderson	ATK0003/US

CONFIRMATION NO. 8331

POWER OF ATTORNEY NOTICE

33072
KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

Date Mailed: 09/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

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

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

COPY MAILED

MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
Strassmann, Liang, and Topouzis :
Application No. 12/070,067 :
Filed: February 14, 2008 :
Attorney Docket No. MTN-0131CN3 :

DECISION ON PETITION

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

In accordance with 37 CFR 1.63(d)(3), applicants have submitted a copy of the executed declaration submitted in Application No. 09/305,989, filed May 6, 1999, of which the present filing is a continuation application. The petition was not accompanied by a copy of the decision granting the petition under 37 CFR 1.47(a) in the prior application. However, in order to expedite processing of this application, a copy of the decision mailed on June 18, 2001, granting Rule 1.47(a) status in the prior application has been made and placed in the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status. As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is **dismissed as moot.** No petition fee is necessary.

Pursuant to 37 CFR 1.47(c), the Office is dispensing with the notice provision in the present application because notice was provided after the grant of Rule 1.47(a) status in the prior application.

The matter is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRUCE L. ADAMS, ESQ
ADAMS & WILKS
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 05/04/2010

Applicant	: Osamu Uehara	: DECISION ON REQUEST FOR
Patent Number	: 7615973	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/070,083	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **68** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DR ASRAR RASHID
560 DERBY ROAD
NOTTINGHAM NG7 2GY GB UNITED KINGDOM

COPY MAILED

FEB 2 0 2009

OFFICE OF PETITIONS

In re Application of :
Asrar Rashid :
Application No. 12/070,089 : DECISION ON PETITION
Filed: February 15, 2008 :
Attorney Docket No. N/A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file corrected drawings on or before May 7, 2008, as required by the Notice to File Corrected Application Papers, mailed March 7, 2008. Accordingly, the date of abandonment of this application is May 8, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, $400 for additional claims in excess of twenty, $65 for the surcharge fee and $105 to complete the examination fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLSTEIN KEATING CATTELL JOHNSON & GOLDSTEIN, P.C.
WILLOW RIDGE EXECUTIVE OFFICE PARK
750 ROUTE 73 SOUTH, SUITE 301
MARLTON, NJ 08053

COPY MAILED

MAY 08 2008

OFFICE OF PETITIONS

In re Application of :
BATEMAN, Robert S. :
Application No. 12/070,105 :
Filed: February 15, 2008 :
Attorney Docket No. 2260.00001 :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 15, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement of inventor Robert S. Bateman, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3600.

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

The application is being forwarded to the Technology Center Art Unit 3643 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAM R. MCCOY JR.
P.O. BOX 2108
MOUNT PLEASANT SC 29465

COPY MAILED

DEC 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Nuanong Chuawong	:	
Application No. 12/070,119	:	DECISION ON PETITION
Filed: February 15, 2008	:	
Attorney Docket No. 20070215	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 11, 2009, as required by the Notice of Allowance and Fee(s) Due mailed June 11, 2009. Accordingly, the date of abandonment of this application is September 12, 2009. A Notice of Abandonment was mailed September 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $595.00 and publication fee of $300.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Nuanong Chuawong
817 Castlereagh Road
Castlereagh, NSW 2749 Australia

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

FEB 17 2009

OFFICE OF PETITIONS

JAMES LEE
VORTRAN MEDICAL TECHNOLOGY 1, INC.
21 GOLDEN LAND COUNT
SACRAMENTO, CA 95834

In re Application of :
Glen Thomson et al :
Application No. 12/070,154 : ON PETITION
Filed: February 15, 2008 :
Attorney Docket No. PP08-03 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 8, 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 March 11, 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 May 12, 2008.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRUCE L. ADAMS, ESQ
ADAMS & WILKS
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 05/04/2010

Applicant	: Teruo Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7646188	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/070,162	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW May-08

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

COPY MAILED

MAY 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Dejan Schreiber	:	
Application Number: 12/070168	:	DECISION GRANTING PETITION
Filing Date: 02/14/2008	:	
Attorney Docket Number: 5454-38	:	

This is a decision in reference to the "PETITION TO CHANGE ACCORDED FILING DATE UNDER 37 CFR §1.10(c)," filed on March 5, 2008, which is treated as a petition requesting that the above-identified application be accorded a filing date of February 14, 2008, rather than the currently-accorded filing date of February 15, 2008.

The petition is **granted**.

Petitioner asserts that the application was deposited in Express Mail "Post Office to Addressee" Service on February 14, 2008. In support, petitioner has provided a copy of the Express Mail Customer Label EM066872808US (the same Express Mail number found on the itemized utility patent application transmittal sheet accompanying the original application papers located in the official file). The "date in" as shown on the Express Mail label is "02/14/08". The Express Mail label additionally contains an official USPS postmark dated February 14, 2008.

As such, the showing of record is that the correct date of deposit in Express Mail is February 14, 2008.

In view of the above, the petition is granted.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to February 14, 2008, and for issuance of a corrected Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

COPY MAILED

MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
BEINHOCKER, Gilbert D. :
Application No. 12/070,194 : DECISION ON PETITION
Filed: February 15, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **BEIN-004AX** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 15, 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 copy of inventor Gilbert D. Beinhocker's birth certificate, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE WATSON INTELLECTUAL PROPERTY GROUP, PLC
3133 HIGHLAND DRIVE
SUITE 200
HUDSONVILLE MI 49426

COPY MAILED

JAN 16 2009

In re Application of	:	
Michael A. Winterhalter	:	
Application No. 12/070,244	:	DECISION ON PETITION
Filed: February 15, 2008	:	
Attorney Docket No. ETI-071507	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a declaration/surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed March 7, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

COPY MAILED

SEP 04 2009

OFFICE OF PETITIONS

In re Application of :
Robert A. Herrmann et al :
Application No. 12/070,275 : DECISION ON PETITION
Filed: February 14, 2008 :
Attorney Docket No. 01-526US2 :

This is a decision on the petition, filed June 19, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Office Action mailed October 6, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 23, 2009.

Applicant files the present petition and statement signed by a representative of the firm that the Office Action from the U.S.P.T.O. was not received and attesting to the fact that a search of the file jacket and docket records indicates that the communication was not received. Applicant provides a copy of the docket record for the present application.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon-receipt of an Office communication

have been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the U.S.P.O. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of October 6, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the 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 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.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Robert A. Herrmann et al :
Application No. 12/070,275 : DECISION ON PETITION
Filed: February 14, 2008 :
Attorney Docket No. 01-526US2 :

This is a decision on the renewed petition, filed November 4, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed October 6, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 23, 2009.

Petitioner asserts that the Office action dated October 6, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 1792 for re-mailing the Office action of October 6, 2008. The period for reply will run from the mailing date of the Office action.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,291	02/18/2008	Kenshirou Muramatsu	4041J-001416	9437

7590 09/11/2009

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

EXAMINER	
TRAN, BINH Q	

ART UNIT	PAPER NUMBER
3748	

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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/11/2009 NFARMER 001842:500
DAM:000750 Name/Number:12070291
FC: 9204 $510.00 CR

Adjustment date: 09/11/2009 NFARMER
02/20/2008 HMARZI1 00000074 12070291
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Roger W. Brown, Ph.D.
810 W. Villa Maria Dr.
Phoenix AZ 85023

COPY MAILED
JUL 16 2008

In re Application of	:	
Roger Wayne Brown	:	
Application No. 12/070,313	:	DECISION ON PETITION
Filed: February 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N/A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1623 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,313	02/19/2008	Roger Wayne Brown		9309

7590 10/28/2009

Roger W. Brown, Ph.D.
810 W. Villa Maria Dr.
Phoenix, AZ 85023

EXAMINER	
GOON, SCARLETT Y	
ART UNIT	PAPER NUMBER
1623	

MAIL DATE	DELIVERY MODE
10/28/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 28 2009

Roger W. Brown, Ph.D.
810 W. Villa Maria Dr.
Phoenix AZ 85023

In re Application of :	:
Roger W. Brown	:
Serial No.: 12/070,313	: PETITION
Filed: February 18, 2008	:
	:

This is in reply to petition filed March 6, 2009, under 37 CFR § 1.182, wherein applicant alleges various improprieties on the part of the examiner. The delay in deciding this petition is regretted but it has only recently come to the attention of the deciding Official.

It is also pointed out that the instant application is abandoned for failure to timely reply to the non-final Office action of January 7, 2009. Applicant should note that a "Petition" does not constitute a timely reply. However, a response to applicant's petition follows.

DISCUSSION

The instant application is under non-final rejection.

Applicant argues, inter alia, that actions by the examiner are essentially unacceptable.

Applicant points have been carefully considered but they are not persuasive. Note the rule regarding Petitions which sets forth the following:

Rule 1.181 Petition to the Director:
(a) Petition may be taken to the Director:
(1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;..

Rule 1.182 Petition to the Director: All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing.

It is pointed out that the petition does not set forth "any specific action or requirement of any examiner" which is in **error** as set forth in Rule 1.181(emphasis added). Furthermore, requests regarding who examines any given application are further not honored. Applicant's points set forth in the petition do not constitute grounds in which to petition. Therefore, since no error due to a specific action or requirement of the examiner is alleged, applicants' points are not properly petitionable.

In view of the above reason, the petition is **DENIED**.

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.

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRUCE L ADAMS ESQ
ADAMS & WILKS
SUITE 1231
17 BATTERY PLACE
NEW YORK NY 10004

COPY MAILED

AUG 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Toshiaki Watanabe	:	
Application No. 12/070,330	:	DECISION ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. S004-6182	:	

This is a decision on the "PETITION FOR DATE OF DEPOSIT OF NONPROVISIONAL APPLICATION", filed July 10, 2008, which is being treated as a petition under 37 C.F.R. 1.53 to accord the above-identified application a filing date of February 14, 2008, with page 2 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on February 14, 2008. However, on March 6, 2008, the Initial Patent Examination Division mailed applicant a "Notice to File Missing Parts of Nonprovisional Application". Applicant was notified that the application papers had been accorded a filing date; however, page 2 of the specification appeared to have been omitted. In addition, the Notice informed applicants the oath or declaration was missing, and that replacement drawings were required.

In response, applicant filed the instant petition. Accompanying the petition was a copy of page 2 of the specification. Applicant maintains that the application as originally filed included page 2. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "PAGES 1-59 OF SPECIFICATION" as enclosed, bearing a United States Patent and Trademark Office date-stamp of February 14, 2008, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 01-0268.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of February 14, 2008, using the application papers received in the Office on that date and page 2 of the specification as resupplied on petition filed July 10, 2008.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Bobby W. **SANDAGE Jr., et al.** :
Application No. 12/070,342 :
Filed: February 15, 2008 :
Attorney Docket No. **2008273-0079** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

The request is **APPROVED**.

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

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

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

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

the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There is an outstanding non-final office action mailed November 17, 2008 that requires a reply from the applicant.

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

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

cc: **BOBBY W. SANDAGE, JR.**
3 STONEYMEADE WAY
ACTON, MA 01720

cc: **INDEVUS PHARMACEUTICALS**
C/O MARK BUTLER
33 HAYDEN AVENUE
LEXINGTON, MA 02421-7971

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.
12/070,425	02/19/2008	Mark Thomas Finstad		1894

7590 01/07/2009

Mark Finstad
4541 200th Ln
Oak Grove, MN 55303

EXAMINER
AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
01/07/2009 0030065300

Credit Card Refund Total: $255.00

Master C: XXXXXXXXXXXX3926

Adjustment date: 01/07/2009 NFARMER
02/21/2008 HMARZI1 00000010 12070425
02 FC:2111 -255.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 18 2009

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

In re application of
Samuel Chen
Application No. 12/070,437
Filed: February 19, 2008
For: SHIPPING BOX TOY

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

This is a decision on the petition filed on April 21, 2008 to make the above-identified application special for Environment and Energy under 37 C.F.R. § 1.102(d). The delay in treating this petition is regretted.

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

REGULATION AND PRACTICE

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 portions of the Accelerated Examination Notice are as follows:

Supplementary Information:

...
The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, **environmental quality**, **energy**, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except

those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice.

A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice.

...

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where

applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The petition fails to comply with conditions II.1 above.

The petition was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August

25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on April 21, 2008, the petition must be considered under the new guidelines and thus is properly **DENIED**.

The application will therefore be taken up by the examiner for action in its regular turn. Further petitions for accelerated examination in this application will not be entertained.

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

/Teri P. Luu/
Teri P. Luu,
Quality Assurance Specialist
Technology Center 3600

tl: 12/16/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ETHERTON LAW GROUP, LLC
2010 E. UNIVERSITY DRIVE,
SUITE 25
TEMPE, AZ 85281

COPY MAILED

JUN 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Duane Charles John ENGDAHL	:	
Application No. 12/070,454	:	DECISION ON PETITION
Filed: February 19, 2008	:	TO WITHDRAW
Attorney Docket No. 271-007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 1, 2009.

The request is **NOT APPROVED**.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DUANE CHARLES JOHN ENGDAHL
15801 N. 37TH DRIVE
PHOENIX, AZ 85053

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Katsumasa Okuda	: DECISION ON REQUEST FOR
Patent Number	: 7597569	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/070,462	: 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

0 4 MAR 2010

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

Stuart D. Frenkel
Frenkel & Associates, P.C.
Suite 330
3975 University Drive
Fairfax VA 22030

In re Application of
KOBAYASHI et al.
Serial No.: 12/070,495
Filing Date: February 19, 2008
Atty. Docket No.: SDF 08-3
For: PREVENTIVE OR THERAPEUTIC AGENT FOR DISEASE CAUSED BY DECREASE IN LACRIMAL FLUID

DECISION

Applicants' "Petition under 37 C.F.R. 1.182 Or, Optionally, 37 C.F.R. 1.78(a)(3) " was received on December 02, 2009.

For reasons below, the petition is DISMISSED, without prejudice.

A petition fee of $400 is required for a petition under 37 CFR 1.182, while a petition fee of $1410 is required for a petition under 37 CFR 1.78(a)(3). The credit card submitted by applicant on 02 December 2009 did not authorize the USPTO to charge the specified petition fees. In addition, the deposit account indicated in an earlier filed transmittal letter lacks sufficient funds. Accordingly, the petition has not been treated on the merits.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

27 APR 2010

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

Stuart D. Frenkel
Frenkel & Associates, P.C.
Suite 330
3975 University Drive
Fairfax VA 22030

In re Application of
KOBAYASHI et al.
Serial No.: 12/070,495
Filing Date: February 19, 2008
Atty. Docket No.: SDF 08-3
For: PREVENTIVE OR THERAPEUTIC AGENT FOR DISEASE CAUSED BY DECREASE IN LACRIMAL FLUID

DECISION ON PETITION

This decision is issued in response to applicant's Petition under 37 CFR 1.78(a)(3) dated March 24, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application set forth set forth in the amendment filed concurrently with the instant petition.

The petition is GRANTED.

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

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment filed with present petition, 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) applicant's statement that "the entire delay for the request of benefit of priority claim in the above application was unintentional" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(3) and 1.78(a)(6) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed international application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1628 for appropriate action on the amendment filed March 24, 2010, 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 applications.

Bryan Lin

Bryan Lin
Legal Examiner
PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE
CUSTOMER NO. 30623
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

In re Application of
Peled, et al.
Application No. 12/070,543
Filed: 19 February, 2008
Attorney Docket No. 24024-504D01US

DECISION ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 7 May, 2008.

Petitioner has shown that the non-signing inventor Oren Rosen (Mr. Rosen) has refused to join in the filing of the above-identified application or cannot be located after an attempt has been made to present to them the application papers.

Petitioner—in the parent Application No. 10/418,639 (the '639 application), of which this division--evidenced that while all other inventors signed the oath/declaration, the non-signing inventor Mr. Rosen failed to join in the filing of the above-identified application after having been presented with the application papers.

Office records indicate that the assignment for the instant application is recorded at reel/frame 020935/0095.

Petitioner submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64, and has shown that such action is necessary to prevent irreparable damage. Status previously was accorded therein under 37 C.F.R. §1.47(a) in the decision of 16 March, 2004.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

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]

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

Pursuant to the commentary at MPEP §201.06(c)(VI), because: the non-signing inventor previously was forwarded at the address given therein of Notice of the parent application's filing; and Notice of the filing also was published in the Official Gazette, there will be no further Notice or publication thereof.

This file is released to the Office of Initial Patent Examination, (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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

---

[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). 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.

25 MAR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BORSON LAW GROUP, PC
1320 WILLOW PASS RD.,
SUITE 490
CONCORD, CA 94520-5232

In re Application of	:	
CRAMER et al.	:	
Application No.: 12/070,599	:	DECISION
Attorney Docket No.: PEBL-01004US2	:	
For: METHODS OF MODULATING APOPTOSIS	:	
AND PLATELET PRODUCTION USING VARIANTS	:	
OF CYTOCHROME C	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 20 February 2008.

BACKGROUND

On 04 August 2006, applicants filed international application PCT/NZ2006/000200 which designated the U.S. and claimed a priority date of 05 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 15 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 February 2008.

On 20 February 2008, applicants filed, *inter alia*, a transmittal letter requesting filing of a continuation of international application number PCT/NZ2006/000200, a specification, claims, abstract, 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), the filing of the present continuing application under 35 U.S.C. 111(a) on 20 February 2008 is accepted as an appropriate response under 37 CFR 1.137(b).

As to item (2), the petition fee was paid on 20 February 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.

Continuation Application

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 12/070,599) and the international application (PCT/NZ2006/000200) designating the United States were copending. However, this reference (which must be in either the first sentence of the specification or the Application Data Sheet) must be submitted within the later of four months from the actual filing date of this application or sixteen months from the filing date of the international application. 37 CFR 1.78(a)(2)(ii). Applicant may file a petition to accept an unintentionally delayed claim under 37 CFR 1.78(a)(3) for the benefit of the international application.

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit certified copies of the priority documents. The certified copies of priority documents submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

CONCLUSION

The petition under 37 CFR 1.137(b) to revive international application PCT/NZ2006/000200 is hereby **GRANTED** as to the National stage in the United States of America for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 12/070,599.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 06 2009

OFFICE OF PETITIONS

KEVIN F. HAUSE
45 FROTHINGHAM STREET
MILTON, MA 02186

In re Application of :
Kevin F. Hause :
Application No. 12/070,734 : ON PETITION
Filed: Februray 21, 2008 :
Attorney Docket No. None :

This is a decision in response to the "Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))", filed March 11, 2009, which is being treated as a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

It is noted that a nonpublication request under 35 U.S.C. 122(b)(2)(B)(I) was not filed in this case. Consequently, abandonment by operation of 35 U.S.C. 122(b)(2)(B)(iii) is unlikely. A review of the record discloses that the application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed March 12, 2008. The notice set a period for reply of two (2) months and required additional claim fees and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). On May 14, 2008, the additional claim fees and replacement drawings were filed, without an appropriate petition for extension of time. Accordingly, the application became abandoned on May 13, 2008. A Notice of Abandonment was subsequently mailed on February 3, 2009. On March 11, 2009, the present petition was filed.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of additional claim fee and replacement drawings; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

Mail Date: 04/29/2010

Applicant	: Mandy Lam	: DECISION ON REQUEST FOR
Patent Number	: 7607877	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/070,767	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAR 3 1 2008

MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698

In re Application of :
NOHREN Jr., John E. :
Application No. 12/070,789 : DECISION ON PETITION
Filed: February 21, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's driver's license as evidence that John E. Nohren is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEISLING PIEPER & SCOTT PLC
ONE STEELE PLAZA PLAZA
SUITE 340
3739 STEELE BLVD.
FAYETTEVILLE AR 72703

COPY MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of
LONG, Larry
Application No. 12/070,804
Filed: February 21, 2008
Attorney Docket No. **8153**

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 17, 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 KEISLING PIEPER & SCOTT PLC has been revoked by the applicant of the patent application on February 06, 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: **HENRY LAW FIRM**
P.O. BOX 8850
FAYETTEVILLE AR 72704

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 22 2010

OFFICE OF PETITIONS

CHERNOFF, VILHAUER MCCLUNG & STENZEL, LLP
601 SW SECOND AVENUE
SUITE 1600
PORTLAND, OR 97204-3157

In re Application of :
Brian Benesh :
Application No. 12/070,813 : ON PETITION
Filed: February 20, 2008 :
Attorney Docket No. 8816.0001 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 11, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed March 12, 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 May 13, 2008.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 Milam Building
115 East Travis Street
San Antonio TX 78205

COPY MAILED

SEP 10 2008

OFFICE OF PETITIONS

In re Application of
Desena, et al.
Filed: February 21, 2008
Application No. 12/070,821
Atty. Dkt. No.: D-0500.01

: ON PETITION

This decision is in response to the "PETITION FOR DATE OF DEPOSIT," filed March 13, 2008. This matter is being properly treated as a petition to accord the above-identified application a filing date of February 21, 2008 with Figures 6A and 7A as part of the disclosure of originally filed application.

The Notice of Omitted Items in a Nonprovisional Application (Notice) mailed March 11, 2008 indicated that the instant application had been accorded a filing date, but that Figures 6A and 7A appeared to have been omitted from the specification as filed.

In response, petitioners argue that the application as deposited included 10 sheets of drawings, including Figures 6A and 7A , and have presented as proof of mailing and proof of receipt of Figures 6A and 7A a return postcard date stamped by the Office on February 21, 2008. A copy of Figures 6A and 7A purportedly filed with the application on February 21, 2008 was submitted herewith.

The original page containing Figures 6A and 7A has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of February 21, 2008 with Figures 6A and 7A as part of the disclosure of invention is **GRANTED**.

Since the original drawing sheet containing Figures 6A and 7A cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. A refund will issue in due course.

This application will be returned to the Office of Patent Application Processing for further processing with a filing date of FEBRUARY 21, 2008 with Figures 6A and 7A as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
DEC 17 2008

In re Application of :
Joe Esteban Valentini, et. al. :
Application No. 12/070,825 : DECISION ON PETITION
Filed: February 21, 2008 :
Attorney Docket No. IJ0195 USNA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts (Notice), mailed March 17, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $130 for the surcharge fee and a properly executed declaration (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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

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

Mail Date: 04/21/2010

Applicant	: Carlos H. Crisosto	: DECISION ON REQUEST FOR
Patent Number	: PP20729	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/070,896	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

In re Application of
Robert A. Horlick et al.
Application No. 12/070,905
Filed: February 20, 2008
Attorney's Docket No. 33547-705.201

ON PETITION

This decision is in response to the petition filed September 4, 2008 which is being treated under 37 CFR 1.182.

A Notice to File Missing Parts ("Notice") mailed April 4, 2008 indicated that Figures 16A-16C appeared to have been omitted. Applicants assert, with the instant petition and three month extension of time, that a description of parts A-C of Figure 16 was present in the specification at the time of filing and petition that Figure 16, parts A-C and the description thereof, is entitled to the date of deposit of the application as filed.

While the response argues that the description was present, petitioners are advised that the notice wasn't in reference to the description but instead that the figures themselves appeared to have been omitted. However, a review of the file reveals that the application as filed properly included Figures 16A-16C and that Figures 16A-16C appear on page 16 of 58.

In view of the foregoing, the petition is **GRANTED.** The "Notice" was improperly mailed and is hereby withdrawn.

Given the basis for granting the petition, no petition fees are due and petitioner's deposit account no. 23-2415 has been credited in the amount of $400.00 for the petition fee paid September 4, 2008.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

MAILED

NOV 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Llamas Sandin et al.	:	
Application No. 12/070,910	:	ON PETITION
Filed: February 21, 2008	:	
Attorney Docket No. U 017209-3	:	

This is a decision on the petition under 37 CFR 1.182, filed April 9, 2009, 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. Raul Carlos Llamas Sandin
2. Alfonso Gonzalez Gozalbo
3. Jorge Pablo Verde Preckler
4. Jose Alberto Cabello Moreno
5. Jose Luis Collado Briceno

A Corrected Filing Receipt reflecting the above changes is enclosed.

Additionally, petitioner's deposit account has been charged the $400.00 petition fee as authorized on April 4, 2009.

This matter is now being referred to Technology Center AU 3644 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

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
12/070,910	02/21/2008	3644	1160	U 017209-3	13	2

CONFIRMATION NO. 2512

CORRECTED FILING RECEIPT

140
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

Date Mailed: 11/02/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Raul Carlos Llamas Sandin, Madrid, SPAIN;
Alfonso Gonzalez Gozalbo, Madrid, SPAIN;
Jorge Pablo Verde Preckler, Madrid, SPAIN;
Jose Alberto Cabello Moreno, Madrid, SPAIN;
Jose Luis Collado Briceno, Madrid, SPAIN;

Assignment For Published Patent Application

Airbus Espana, S.L.

Power of Attorney: The patent practitioners associated with Customer Number 00140

Domestic Priority data as claimed by applicant

Foreign Applications

SPAIN ES200703402 12/21/2007

If Required, Foreign Filing License Granted: 10/30/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/070,910**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Aircraft control device

Preliminary Class

244

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,919	02/20/2008	Kyoung-Ju Shin	AB-2549 US	2548

7590 04/09/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER	
NELMS, DAVID C	

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
04/09/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARNER
02/25/2008 LTRUONG 00000044 502257 12070919
02 FC:1111 510.00 CR
04 FC:1201 840.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MEYER UNKOVIC & SCOTT LLP
535 SMITHFIELD STREET
SUITE 1300
PITTSBURGH, PA 15222-2315

MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Application of :
Rory A. Cooper, et al. :
Application No. 12/070,939 : ON PETITION
Filed: February 22, 2008 :
Attorney Docket No. 276946.113NP :

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed March 15, 2010.

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Peter J. Borghetti appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of August 5, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 5, 2009; however, the maximum statutory period for response ended on February 5, 2010. A Notice of Abandonment was mailed on February 17, 2010.

Petitioner indicates that a timely reply was mailed using an Express Mail Certification dated February 5, 2010. Petitioner submits a copy of the previously mailed correspondence, including a transmittal letter bearing a certificate of mailing under 37 CFR 1.10 dated February 5, 2010, a response in the form of an amendment and a 3-month petition for extension of time. Petitioner also submitted a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on February 5, 2010 of, *inter alia,* Transmittal Form, Petition for a Three (3) Extension of Time, and Response to Office Action Under 37 CFR 1.111.

A review of the written record confirms that an amendment, including an appropriate 3-month extension of time, was filed on February 5, 2010, as it is present in the file. Accordingly, the amendment was timely received in the USPTO and no abandonment existed.

The holding of abandonment for failure to timely file a response to the Office action of August 5, 2009 is withdrawn and the application is restored to pending status. The Notice of Abandonment mailed February 17, 2010 is hereby vacated.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received February 5, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRUCE L. ADAMS, ESQ.
ADAMS & WILKS
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 05/04/2010

Applicant	: Yukimasa Minami	: DECISION ON REQUEST FOR
Patent Number	: 7652525	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/070,965	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/22/2008	: 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

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

Paper No.

COPY MAILED

MAY 27 2008

OFFICE OF PETITIONS

MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND MI 48640

In re Application of :
Gregory J. Kay, Richard :
Theriault, and Lawrence :
Schoenleber : DECISION ON PETITION
Application No. 12/070,971 : PURSUANT TO 37 C.F.R.
Filed: February 22, 2008 : § 1.47(A)
Attorney Docket No. MSH-418 :
Title: NOVEL COMPOSITE TOOL :
HOLDERS AND BORING TOOLS :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed March 28, 2008.

This petition is **DISMISSED**.

On February 22, 2008, the application was filed, identifying Gregory J. Kay, Richard Theriault, and Lawrence Schoenleber as joint inventors. The application was deposited with a declaration that had been executed by joint inventor Kay. On March 13, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

It is noted that an Application Data Sheet (ADS) was deposited on filing.

Along with this petition, Petitioner has submitted a copy of the preveniently submitted declaration along with the surcharge associated with the late submission of the same, a statement of

facts, a portion of the petition fee[1], and the last known address of one of the non-signing inventors.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The petition has met requirements (1) - (2) and (5) of Rule 1.47(a).

It is noted that Messrs. Theriault and Schoenleber have not executed the declaration, yet **the petition does not appear to mention the failure of Mr. Schoenleber to execute the declaration**. Petitioner has included the last known address of Mr. Theriault, and has asserted that a copy of the specification, claims, and drawings were sent to this address but no response was received.

The third requirement of Rule § 1.47(a):

Petitioner has failed to include a statement of the last known address of Mr. Schoenleber[2], as discussed above.

---

1 The fee that is associated with the filing of a petition pursuant to Rule 1.47 is $200. Petitioner has submitted $130. The deficiency has been charged to Petitioner's Deposit Account, as authorized in the petition.
2 See MPEP § 409.03(e).

The fourth requirement of Rule § 1.47(a)

Regarding the fourth requirement as it pertains to Mr. Theriault, Petitioner has asserted that a copy of the specification, claims, and drawings were sent to this address but no response was received. However, it does not appear that Petitioner has firsthand knowledge of this mailing, as the copy of the cover letter that was included with this petition was signed by Ms. Molly Lens. With the renewed petition, Petitioner must either establish that he has firsthand knowledge of this mailing, or provide a statement from Ms. Lens.

Regarding the fourth requirement as it pertains to Mr. Schoenleber, the issue of firsthand knowledge of the mailing is equally applicable.

Moreover, as noted above, the petition is silent as to the status of Mr. Schoenleber as a non-signing inventor. As such, no mention has been made of the mailing of a complete copy of the application to this individual.

It is noted that a copy of a letter addressed to Mr. Schoenleber along with a certified mail receipt has been included in this petition. Furthermore, in a separate document, Petitioner has set forth that Mr. Schoenleber has refused "to sign the Declaration and Power of Attorney," however Petitioner has not expressly stated that a complete copy of the application was sent to the last known address of Mr. Schoenleber. It is possible that the omission of this individual from the petition was merely an oversight.

It follows that since it has not been shown that a complete copy of the application was sent to the inventors, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventors be presented with the application papers before a petition under Rule § 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed[3].

3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[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].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
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 that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND MI 48640

COPY MAILED

AUG 0 4 2008

In re Application of	:	
Gregory J. Kay, Richard	:	
Theriault, and Lawrence	:	
Schoenleber	:	DECISION ON RENEWED
Application No. 12/070,971	:	PETITION PURSUANT TO
Filed: February 22, 2008	:	37 C.F.R. § 1.47(A)
Attorney Docket No. MSH-418	:	
Title: NOVEL COMPOSITE TOOL	:	
HOLDERS AND BORING TOOLS	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed July 10, 2008.

This renewed petition is **GRANTED.**

On February 22, 2008, the application was filed, identifying Gregory J. Kay, Richard Theriault, and Lawrence Schoenleber as joint inventors. The application was deposited with a declaration that had been executed by joint inventor Kay. On March 13, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

It is noted that an Application Data Sheet (ADS) was deposited on filing.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the

petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);

(3) a statement of the last known address of the non-signing inventors;

(4) either

a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or

b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition was filed on March 28, 2008, and was dismissed via the mailing of a decision on May 27, 2008, for failing to meet petition has met requirements (3) and (4) of Rule 1.47(a).

The decision indicated that the original petition did not appear to mention the failure of Mr. Schoenleber to execute the declaration. With this renewed petition, Petitioner has indicated that there were two petitions filed in regards to these two non-signing joint inventor. The electronic file has been reviewed, and a second petition that pertains to Mr. Schoenleber and was submitted prior to this renewed petition has not been located.

With this renewed petition Petitioner has further provided the last known address of Mr. Schoenleber, and has established that a complete copy of the specification, claims, and drawings were sent to the last known address of each of the two non-signing joint inventors.

Petitioner has met all requirements of Rule 1.47(a), and has submitted all required fees. Therefore, this renewed petition is **GRANTED** and this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47, this Office will forward notice of the filing of this application to the non-signing inventor at the

address that appears on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard Theriault
6965 El Camino Real 105-677
Carlsbad, CA 92009

COPY MAILED

AUG 0 4 2008

In re Application of	:	
Gregory J. Kay, Richard	:	
Theriault, and Lawrence	:	
Schoenleber	:	
Application No. 12/070,971	:	LETTER
Filed: February 22, 2008	:	
Attorney Docket No. MSH-418	:	
Title: NOVEL COMPOSITE TOOL	:	
HOLDERS AND BORING TOOLS	:	

Dear Mr. Theriault:

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: MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND MI 48640

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lawrence Schoenleber
2614 El Aguila Lane
Carlsbad, CA 92009

COPY MAILED

AUG 04 2008

In re Application of :
Gregory J. Kay, Richard :
Theriault, and Lawrence :
Schoenleber :
Application No. 12/070,971 : LETTER
Filed: February 22, 2008 :
Attorney Docket No. MSH-418 :
Title: NOVEL COMPOSITE TOOL :
HOLDERS AND BORING TOOLS :

Dear Mr. Schoenleber:

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: MCKELLAR IP LAW, PLLC
784 SOUTH POSEYVILLE ROAD
MIDLAND MI 48640

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

CLARK & BRODY
1090 VERMONT AVENUE NW, SUITE 250
WASHINGTON, DC 20005

In re Application of :

Stephen V. COOPER, et al. :
Application No. 12/071,012 : DECISION ON PETITION TO
Filed: February 14, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **11094-0003** :

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

The request is **APPROVED**.

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

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

All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

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

cc: **STEPHEN V. COOPER**
6006 RICE LANE
AMITY, OR 97101

cc: **RICHARD A. KIRBY**
1939 VALLEY HILLS BOULEVARD
HEBER CITY, UT 84032

Attachment: Power/Revocation/New Power Of Attorney with Address Change (PTO/SB/81)

PTO/SB/81 (01-09)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Title	
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☐ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature		Date	
Name		Telephone	
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/071,064	02/14/2008	Akira TAKAGI	2018-1921	7984

7590 08/06/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
LE, DAVID D	
ART UNIT	PAPER NUMBER
3655	
MAIL DATE	DELIVERY MODE
08/06/2009	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.

Nicole Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073113

Credit Card Refund Total: $510.00

RD Exp..: XXXXXXXXXXX2921

Adjustment date: 08/07/2009 NFARMER
05/28/2008 AWONDAF1 00000108 12071064
03 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/04/2010

Applicant	: Diego Parisi	: DECISION ON REQUEST FOR
Patent Number	: 7610925	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/071,077	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2008	: 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

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

COPY MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of :
Bae and Oh :
Application No. 12/071,139 : DECISION ACCORDING STATUS
Filed: 02/15/2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 8947-000318/US :
Title: CMOS IMAGE SENSOR AND :
OPERATING METHOD THEREOF :

This is in response to the petition under 37 CFR 1.47(a), filed August 20, 2008.

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

Petitioners showed that they made a bona fide attempt to provide the non-signing inventor with a copy of the application papers for his review and signature by mailing it to his last known address. In the Declarations of Facts, Hee-kyung Choi and Min-suk Yun declared that the non-signing inventor orally refused by telephone to execute the documents. The Declarants stated that a postal attempt was made by "a certificate of contents mail" containing a copy of the application, declaration and assignment, but another refusal was made and the post was returned.

The above-identified application and papers have been reviewed and are found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petitioners submitted a $130.00 petition fee; however, the current fee is $200.00. Therefore, the Office will charge the balance due of $70.00 to the Deposit Account as authorized.

The matter is being referred to the Technology Center Art Unit 2878 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jeong-hoon Bae
1324 Poonglim I-want Plus, 1338-1 Seocho-dong, Seocho-gu
Seoul, Republic of Korea AIR MAIL

COPY MAILED
MAR 05 2009
OFFICE OF PETITIONS

In re Application of :
Bae and Oh :
Application No. 12/071,139 : LETTER
Filed: 02/15/2008 :
Attorney Docket No. 8947-000318/US :
Title: CMOS IMAGE SENSOR AND :
OPERATING METHOD THEREOF :

Dear Jeong-hoon Bae:

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C.T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Shih-Kun Yeh :
Application No.: 12/071,160 : ON PETITION
Filed: February 15, 2008 :
Attorney Docket No: 7004.133 :

This is in response to the petition under 37 CFR 1.137(b) filed February 12, 2010.

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

On March 7, 2008, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extensions of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period, and the application became abandoned on May 8, 2008. A Notice of Abandonment was mailed on November 12, 2008.

The fees paid February 12, 2010, are noted.

The address cited on the petition differs from the address of record. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Foo-Jung Tsai
1F No. 1-1 Wang Tzu Street
Chung-Li City
Taoyuang County
Taiwan ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACKSON INTELLECTUAL PROPERTY GROUP, PLLC
106 STARVALE LANE
SHIPMAN, VA 22971

COPY MAILED
FEB 02 2010

In re Application of
Hsinn-Jyh Tzeng
Application No. 12/071,164
Filed: February 15, 2008
Attorney Docket No. 7000.250

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed March 7, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 8, 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 reply, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received November 19, 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,174	02/15/2008	Hiroki Okada	1000409-000272	8734

7590 09/09/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
PHAN, HAU VAN	

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
09/09/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2009 HFARHER
02/19/2008 CNGUYEN2 00000042 024800 12071174
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,215	02/19/2008	Masahiro Sugiura	2018-1920	8996

7590 08/05/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
08/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nicole Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073077

Credit Card Refund Total: $510.00

AD Exp..: XXXXXXXXXX2021

Adjustment date: 08/07/2009 NFARMER
02/20/2008 MAHMED1 00000041 12071215
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

COPY MAILED

MAY 08 2008

OFFICE OF PETITIONS

In re Application of :
:
OKURA, et al. :
Application No. 12/071,244 : DECISION ON PETITION
Filed: February 19, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **28728.00** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 19, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement of inventor Billy B. McNeill, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2800.

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

The application is being forwarded to the Technology Center Art Unit 2859 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUL 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Makoto Ishii, et al.	:	
Application No. 12/071,258	:	DECISION GRANTING PETITION
Filed: February 19, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 120982.01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 16, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 6, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/27/2010

Applicant	: Horng-Jee Wang	: DECISION ON REQUEST FOR
Patent Number	: 7585548	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/071,310	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED

MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of
Chikara Nishio, et al.
Application No.: 12/071,404
Filed: February 20, 2008
Attorney Docket No.: 122.1572DC

ON PETITION

This is a decision on the petition, filed March 18 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 12, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2874 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Katsushi Akita	:	
Application No. 12/071,440	:	DECISION GRANTING PETITION
Filed: February 21, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 050212-0776	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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 IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,482	02/21/2008	Hiroki Okada	1000409-000273	1497

7590 09/09/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
MEYER, KATY E	

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
09/09/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2009 NFARMER
02/22/2008 MAHMED1 00000004 024800 12071482
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 15 2008

OFFICE OF PETITIONS

In re Patent of	:	
Yamamoto et al.	:	
Application No. 12/071489	:	DECISION
Filing or 371(c) Date: 02/21/2008	:	ON PETITION
Attorney Docket Number:	:	
04329.3919-01	:	

This is a decision on the "Petition Under 37 C.F.R. 1.53(e)(2) and Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed April 10, 2008.

The petition is **granted**.

Background

The application was filed on February 21, 2008. On March 24, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, page 11 of the Specification appeared to have been omitted from the application.

The present petition

Applicant files the present petition and avers that page 11 of the Specification was included among 21 pages of specification filed with the application on February 21, 2008. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* 21 pages of specification by this Office on February 21, 2008.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of page 11 of the Specification, filed with the present petition, will be used for examination purposes.

The petition fee has been refunded to Petitioner's deposit account as authorized in the present petition.

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

- with a filing date of February 21, 2008,
- and an indication that page 11 of the Specification was included with the application papers filed on February 21, 2008, using the copy of page 11 of the Specification filed with the present petition.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DRW Jan-09

CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON DC 20005

COPY MAILED

JAN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Arai et al.	:	DECISION ON PETITION
Application Number: 12/071493	:	TO WITHDRAW HOLDING OF
Filing Date: 02/21/2008	:	ABANDONMENT
Attorney Docket Number: 12014-0073	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed on December 4, 2008.

The application was held abandoned on May 22, 2008, for failure to timely file a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on March 21, 2008, which set a two (2) month shortened statutory period for reply.

Petitioners assert that a proper and timely response was filed. In support, petitions have submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (SUPTO) on May 19, 2008, of, *inter alia*, a Response to Notice to File Missing Parts, copy of Notice dated 3/21/08, executed Declaration/Power of Attorney-2 pages, and a $130.00 check. A copy of the response has also been supplied.

Upon review, petitioner's reply filed on May 19, 2008, including the fee has been located in the Office.

It is noted that the postcard and the "Response to Notice to File Missing Parts of Application" both miscaption the application number as "12/071,49***2.***"

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn.

In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.[1]

The papers filed on May 19, 2008, have been located in the Office. A copy of the papers has been placed in the file of the subject application.

As petitioner has provided convincing evidence that a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on March 21, 2008 was timely filed, there is no abandonment in fact.

The petition is **GRANTED**.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The $130.00 late filing fee or oath or declaration surcharge, which was inadvertently refunded to counsel, will be charged to counsel's deposit account in accordance with the letter filed on May 30, 2008.

No petition fee is due and none has been charged.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

/DWood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1] Although the application number is incorrect on the postcard and the Notice to File Missing Parts, both items correctly recite the first-named inventor's name, the docket number, the filing date, and the invention title. Additionally, the Group Art Unit was properly recited on the Response, and the Application Number is properly recited on the declaration.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 25 2008

OFFICE OF PETITIONS

In re Application of Kennedy et al. :
Application No. 12/071,501 : Decision on Petition
Filing Date: February 21, 2008 :
Attorney Docket No. 067286-0362 :

This is in response to the petition under 37 CFR 1.137(b) and the petition under 37 CFR 1.57(a) filed May 30, 2008. The petition has also been treated as a petition under 37 CFR 1.53(e)(2).[1]

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

The petition under 37 CFR 1.57(a) is **dismissed**.

The petition under 37 CFR 1.53(e)(2) is **granted**.

The petition under 37 CFR 1.137(b):

The Office mailed a Notice of Incomplete Application on March 12, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice.

A reply to the Notice was not filed within two months. As a result, proceedings with respect to the application were considered terminated.

Although proceedings were terminated, the petition to revive the application is properly filed. As stated in MPEP 2011.11(II)(B),

> When proceedings in an application are terminated, the application is treated in the same manner as an abandoned application, and the term "abandoned application" may be used broadly to include such applications.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

The instant petition satisfies all the requirements of 37 CFR 1.137(b). Therefore, the application is hereby restored to pending status.

The request for a filing date of February 21, 2008:

Petitioner intended to file a single drawing figure with the application papers. Unfortunately, the application papers filed February 21, 2008, were inadvertently filed without the drawing. On March 12, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

Petitioner does not state the Notice of Incomplete Application was mailed in error. However, the Office will initially consider the petition pursuant to 37 CFR 1.53(e)(2) and review the propriety of the mailing of the Notice of Incomplete Application.

A review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

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

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date for this application. The instant application should have been given a filing date without the drawing. The Office should have mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

A petition under 37 CFR 1.57, and fee of $400, is only necessary when an application is not otherwise entitled to a filing date. Since the application is entitled to a filing date without the drawing, the petition under 37 CFR 1.57 is unnecessary and is dismissed. The Office has credited the $400 fee back to petitioner's deposit account.

The examiner will review the amendment filed with the petition for new matter. The application explicitly incorporated by reference the contents of Application No. 09/928,501, and the petition states a copy of the drawing at issue is located within Application No. 09/928,501. If the drawing was a part of Application No. 09/928,501, then the amendment adding the drawing will not introduce new matter into the instant application.

To the extent the instant petition requests a filing date of February 21, 2008 with no drawings present in the application, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to February 21, 2008;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and**
- **for issuance of a filing receipt.**

Entry of the amendment filed May 30, 2008, will be determined by the examiner in due course.

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

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE KESSLER GOLDSTEIN & FOX, P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Francisco Estevez-Labori	: DECISION ON REQUEST FOR
Patent Number	: 7613583	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/071,580	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/22/2008	: 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

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

KRATZ QUINTOS & HANSON LLP
1420 K STREET NW
SUITE 400
WASHINGTON DC 20005

COPY MAILED

JUL 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Masao Makiuchi	:	
Application No. 12/071,634	:	DECISION GRANTING PETITION
Filed: February 25, 2008	:	
Attorney Docket No. 080038	:	

This is a decision on the "PETITION TO ACCEPT OMITTED ITEM", filed July 7, 2008, which is being treated as a petition under 37 CFR 1.53(e) to accord the above identified application a filing date of February 25, 2008, with Figure 19 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on February 25, 2008. However, on May 12, 2008, the Office of Initial Patent Examination mailed applicant a "Notice to File Corrected Application Papers". Applicant was informed, *inter alia,* that the application had been accorded a filing date; however, Figure 19 of the drawings appeared to have been omitted.

In response, applicant filed the present petition, asserting that Figure 19 of the drawings was included with the application as filed. In support thereof, applicant included a postcard receipt identifying the application, itemizing "drwgs - 21 Sheets" as enclosed, and bearing a USPTO date stamp of February 25, 2008.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Given the basis for granting this petition, the petition fee of $400 has been refunded to Deposit Account No. 01-2340.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of February 25, 2008, using the application papers received in the Office on that date, including Figure 19 and the replacement sheets of drawings filed with the petition on July 7, 2008.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 13 2009

OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

In re Application of :
Abeer SINGHAL, et al :
Application No. 12/071,721 : DECISION ON PETITION
Filed: February 26, 2008 : TO WITHDRAW
Attorney Docket No. VT072788 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 29, 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 appointed using a Customer Number and not registration numbers, as indicated.

The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of an assignee who has properly become of record under 37 CFR 3.71, the Office cannot grant the request to withdraw from record at this time.

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

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

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

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

COPY MAILED

NOV 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Abeer SINGHAL, et al	:	CORRECTED
Application No. 12/071,721	:	DECISION ON PETITION
Filed: February 26, 2008	:	TO WITHDRAW
Attorney Docket No. VT072788		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 29, 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).

As set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

Since the request to withdraw is by registration numbers and not by the attorneys of record associated with the designated Customer Number, the request cannot be approved.

Further, the Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of an assignee who has properly become of record under 37 CFR 3.71, the Office cannot grant the request to withdraw from record at this time.

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

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

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

/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,770	02/26/2008	Satoshi Shizukuishi	19629-0025 DIV	3770

7590 05/05/2009

HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

EXAMINER	
RUSSEL, JEFFREY E	

ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
05/05/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 05/05/2009 NFARMER
02/27/2008 MAHMED1 00000062 501349 12071770
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,777	02/26/2008	Hideo Maehata	135836	3697

7590 05/19/2010

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

EXAMINER	
CHAPMAN, MARK A	

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
05/19/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,791	02/26/2008	Jae-Ik Kwon	P57263A	4218

7590 11/05/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/06/2009 NFARMER C014412200
DAV:024943 Name/Number:12071791
FC: 9204 $510.00 CR

Adjustment date: 11/06/2009 NFARMER
02/27/2008 CNGUYEN2 00000025 12071791
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hideta Habara	: DECISION ON REQUEST FOR
Patent Number	: 7639012	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/071,795	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/26/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **141** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

COPY MAILED

OCT 17 2008

OFFICE OF PETITIONS

In re Application of :
Kashara et al. :
Application No. 12/071,813 :
Filed: February 26, 2008 :
Attorney Docket No. 060326-5223 :
For: Objective Lens Actuator and Optical Pickup Device Including the Same :

Decision According Status Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) filed June 27, 2008.

The petition is **granted**.

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

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

The Office of Patent Application Processing will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,975	02/28/2008	Jung-Suk Song	302/092	5193

7590 06/30/2010

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

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 06/30/2010 NFARMER
02/29/2008 MAHMEDI 00000093 12071975
01 FC:1111 -512.00 OP

Credit Card Refund Total: $512.00

Transaction: XXXXXXXXXXXXXXXX

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,980	02/28/2008	Pun Jae Choi	069576-0343	5203

20277 7590 03/24/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER	
CHI, SUBERR L	
ART UNIT	**PAPER NUMBER**
2818	
MAIL DATE	**DELIVERY MODE**
03/24/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	
CHOI et al	
Application No.: 12/071,980	**: DECISION ON REQUEST TO**
Filed: 28 February 2008	**: PARTICIPATE IN THE PATENT**
Attorney Docket No. : 069576-0343	**: PROSECUTION HIGHWAY**
For: LIGHT EMITTING DEVICE AND	**: PROGRAM AND PETITION**
PACKAGE HAVING THE SAME	**: 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 04 March 2010, to make the above-identified application special.

The request and petition are **Granted**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

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

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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

Lee W. Young
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

COPY MAILED

APR 22 2008

OFFICE OF PETITIONS

In re Application of :
TORBOV, et al. :
Application No. 12/072,005 :
Filed: February 21, 2008 :
Attorney Docket No. **APTE-03601** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV and under 37 CFR 1.102(c)(2)(i) to make special based on environmental quality as set forth in M.P.E.P. § 708.02, Section V and under 37 CFR 1.102(c)(2)(ii) to make special based on energy conservation as set forth in M.P.E.P. § 708.02, Section VI, filed March 24, 2008.

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 inventors Terri W. Rettig, T. Steve Torbov and Stephen M. Kohan attesting to their age. Accordingly, the above-identified application will be accorded "special" status.

In view of the above petition being granted and the application being made special, the petitions under 37 CFR 1.102(c)(2)(i), Section V and under 37 CFR 1.102(c)(2)(ii), Section VI, are **DISMISSED AS MOOT.**

The application is being forwarded to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is complete.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing. Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT C. MONTGOMERY
PATENT AGENT
6 SOUTH MAIN STREET
202 WASHINGTON TRUST BUILDING
WASHINGTON PA 15301

COPY MAILED

JUL 16 2008

In re Application of	:	
Raymond Fiorini	:	
Application No. 12/072,023	:	DECISION ON PETITION
Filed: February 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. NAJ-020608SAI-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's birth certificate proving that he or she 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 3618 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROOKS CAMERON & HUEBSCH, PLLC
1221 NICOLLET AVENUE, SUITE 500
MINNEAPOLIS, MN 55403

MAILED

JUN 29 2009

OFFICE OF PETITIONS

In re Application of
Stephen H. Purvines et al
Application No. 12/072,057
Filed: February 22, 2008
Attorney Docket No. 900.0040007

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 6, 2009.

The request is **APPROVED**.

The request was signed by Edward J. Brooks III on behalf of all attorneys of record.

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

All future correspondence will be directed to assignee Kurz-Kasch, Inc., 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: Kurz-Kasch, Inc.
511 Byers Road
Miamisburg, OH 45342

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

COPY MAILED

JAN 14 2009

OFFICE OF PETITIONS

In re Application of :
Deshmukh, et al. :
Application No. 12/072,066 : ON PETITION
Filed: February 22, 2008 :
Attorney Docket No. PMTI 200002

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed December 23, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers requiring replacement drawings mailed March 17, 2008, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 18, 2008. A Notice of Abandonment was mailed on November 20, 2008.

In the instant petition, petitioner maintains that the Notice was never received and that the holding of abandonment should be withdrawn accordingly.

A review of the application file and the Office computer records relative to the subject application file reveals that on March 17, 2008 (the date the notice was mailed), the address of record was listed as the offices of Fay Sharpe LLP 1100 Superior Avenue, 7th Floor, Cleveland, Ohio 44114-2579. It appears, however, that prior to the date the notice was mailed, the address for Fay Sharp, LLP changed, but may not have timely filed with the Office a communication changing the correspondence address of record.

Title 37 of the Code of Federal Regulations section 1.33(a) and Section 601.03 provides that the applicant must promptly notify the Office of a change in the correspondence address. Section 711.03(c)(2) of the Manual of Patent Examining Procedure provides that:

> . . . where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing that due care was taken to adhere to the requirement of prompt notification . . . of the change of address. . .and must include an adequate showing that a timely notification of the change of address was filed in the application concerned and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

Accordingly, the failure of the notices to arrive at the Superior Avenue office does not warrant a withdrawal of the holding of abandonment if petitioner did not promptly notify the Office of the change of correspondence address for the application. In order for a petition to withdraw the holding of abandonment to be successful under these circumstances, petitioner would have to establish that the Notices were not received at the Superior Avenue address or that a request to change the correspondence address was promptly filed prior to the mailing of the Notice to File Corrected Application Papers.

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 (already submitted), the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

By mail:	Commissioner for Patents United States Patent and Trademark Office Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

MAILED

AUG 31 2009

OFFICE OF PETITIONS

In re Application of :
Deshmukh, et al. :
Application No. 12/072,066 : ON PETITION
Filed: February 22, 2008 :
Attorney Docket No. PMTI 200002

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 4, 2009.

The petition is **granted**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers requiring replacement drawings mailed March 17, 2008, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 18, 2008. A Notice of Abandonment was mailed on November 20, 2008.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner

> where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that will include re-mailing the Notice to File Corrected Application Papers and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Rita **PRESTON-HALL**
Application No. 12/072,072
Filed: February 22, 2008
Attorney Docket No. **N012-P08850US**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **LADAS & PARRY** has been revoked by the assignee of the patent application on December 18, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **SoCAL IP LAW GROUP, LLP**
310 N. WESTLAKE BLVD., SUITE 120
WESTLAKE VILLAGE, CA 91362

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SALIX PHARMACEUTICALS, INC.
1700 PERIMETER PARK DRIVE
MORRISVILLE NC 27560

COPY MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
Lockhart, et al. :
Application No. 12/072,112 : DECISION
Filed/Deposited: 22 February, 2008 :
Attorney Docket No. 61757(47381) :

This is a decision on the petition filed on 29 January, 2009, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.137(b)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

*Petitioner does not appear to have addressed the drawings requirements set forth in the Notice to File Missing Parts. These deficiencies **must** be overcome.*

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (replacement drawings (37 C.F.R. §1.84, §1.121)), oath/declaration, fees, surcharge) mailed on 17 March, 2008with reply due absent extension of time on or before 17 May, 2008.

The application went abandoned by operation of law after midnight 17 May, 2008.

The Office mailed the Notice of Abandonment on 22 December, 2008.

On 29 January, 2009, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) and averred unintentional delay, with a reply in the form of fees due, oath/declaration and surcharge, however, Petitioner appears not to have addressed the requirement for replacement drawings (which must be so marked) of the 17 March, 2008, Notice of Missing Parts (a copy of which is enclosed).

*These deficiencies **must** be overcome with any renewed petition.*

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 are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[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]

---

[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.

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]))

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the reply requirement under the rule as discussed above.

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **dismissed**.

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

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

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

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

[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.

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,112	02/22/2008	Joseph Lockhart	61757(47381)

CONFIRMATION NO. 2765

Salix Pharmaceuticals, Inc.
1700 Perimeter Park Drive
Morrisville, NC 27560

FORMALITIES LETTER

OC000000028845799

Date Mailed: 03/17/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  *Applicant must submit $**310** to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 2 - 8.

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 **$3470** 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 **$4630** for a non-small entity
- **$310** Statutory basic filing fee.
- **$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **$510** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$210** to complete the examination fee for a non-small entity.
- Total additional claim fee(s) for this application is **$3470**
  - **$1050** for **5** independent claims over 3.
  - **$2050** for **41** total claims over 20.
  - **$370** for multiple dependent claim surcharge.

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.

/masfaw/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SALIX PHARMACEUTICALS, INC.
1700 PERIMETER PARK DRIVE
MORRISVILLE NC 27560

COPY MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Lockhart, et al. :
Application No. 12/072,112 : DECISION
Filed/Deposited: 22 February, 2008 :
Attorney Docket No. 61757(47381) :

This is a decision on the petition filed on 31 March, 2009, under the provisions of 37 C.F.R. §1.137(b), seeking revival of the application 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.)

Petitioners attentions always are directed to the Commentary at MPEP §711.03(c) for guidance as to satisfying the requirements for relief under 37 C.F.R. §1.137.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (replacement drawings (37 C.F.R. §1.84, §1.121)), oath/declaration, fees, surcharge) mailed on 17 March, 2008with reply due absent extension of time on or before 17 May, 2008.

The application went abandoned by operation of law after midnight 17 May, 2008.

The Office mailed the Notice of Abandonment on 22 December, 2008.

On 29 January, 2009, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) and averred unintentional delay, with a reply in the form of fees due, oath/declaration and surcharge, however, Petitioner appears not to have addressed the requirement for replacement drawings (which must be so marked) of the 17 March, 2008, Notice of Missing Parts. The petition was dismissed on 23 March, 2009.

On 31 March, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and a reply in the form of drawings—the fees apparently having previously been submitted. (Petitioner is cautioned that the drawings appear not to have been marked as "Replacement Drawings.")

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]))

---

[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

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 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

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

GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

COPY MAILED

JAN 04 2010

In re Application of	:	
Leslie Wilkins-Gaudio	:	DECISION ON PETITION
Application No. 12/072,132	:	TO WITHDRAW
Filed: February 22, 2008	:	FROM RECORD
Attorney Docket No. 809/002	:	

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 2, 2009.

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

A review of the file record indicates that on November 23, 2009 the power of attorney to Gibson & Dernier L.L.P. 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: Kaplan Gilman & Pergament LLP
1480 Route 9 North
Woodbridge NJ 07095

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Jonathan D. Baskin
Rohm and Haas Electronic Materials LLC
455 Forest Street
Marlborough MA 01752

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Getz et al. : DECISION ON PETITION
Application No. 12/072,157 :
Filed: February 25, 2008 :
Attorney Docket No. 52528 :

This is a decision on the PETITION UNDER 37 C.F.R. 1.53(e) filed October 3, 2008. Applicants request that the above-identified application to be accorded a filing date of February 25, 2008.

The petition is **GRANTED**.

For the reasons stated herein, the NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e) mailed June 1, 2009 is hereby withdrawn.

Application papers in the above-identified application were deposited on February 25, 2008. However, on August 4, 2008, the Office of Patent Application Processing mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION[1]. Applicants were thereby notified that the application had not been accorded a filing date because the application was filed without drawings.

In response, the instant petition was timely filed. Prior to the petition being considered, applicants were mailed a NOTICE OF TERMINATION OF PROCEEDINGS on the basis that applicant did not timely reply to the August 4, 2008 Notice. As applicants did timely file this reply and as discussed below, the reply is

[1] By letter mailed August 4, 2008, the prior NOTICE TO FILE MISSING PARTS OF APPLICATION mailed March 17, 2008 and Filing Receipt were replaced with this new Notice.

complete, withdrawal of the Termination of Proceedings is appropriate.

With respect to the merits of the petition, applicants maintain that the application as filed on February 25, 2008 was deposited with drawings. In support thereof, applicants submit a copy of the nine (9) sheets of drawings as originally filed and a copy of their date-stamped post card receipt.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of applicants' postcard receipt reveals that: 1) the application papers filed therewith were assigned application number 12072157 and were date stamped as received in the USPTO on February 25, 2008; 2) it specifically identifies the items being filed, including "9 Sheets formal Drawings" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 9 sheets of drawings, were filed on February 25, 2008.

Accordingly, it is concluded that this application is entitled to a filing date of February 25, 2008.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 18-1850.

The application is being forwarded to the Office of Patent Application Processing for:

- **according of a filing date of February 25, 2008** using the application papers received in the Office and presently accorded that date, and the 9 sheets of drawings re-supplied on petition filed October 3, 2008;

- withdrawal of the NOTICE OF TERMINATION OF PROCEEDINGS mailed June 1, 2009; and

- indication in Office records, as appropriate, that 9 sheets of drawings were present in the application on filing.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

OCT 21 2009

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

In re application of	:	DECISION ON REQUEST TO
Shinji Kamiya	:	PARTICIPATE IN PATENT
Application No. 12/072,220	:	PROSECUTION HIGHWAY
Filed: February 25, 2008	:	PROGRAM AND PETITION
For: IN-VEHICLE EMERGENCY REPORT 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 October 15, 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 the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") for 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 concurrently with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 10/20/09

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT OFFICE OF DR. CHUNG S. PARK
P. O. BOX 62312
SUNNYVALE CA 94088-2312

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Hyeung-Yun Kim
Application No. 12/072,255
Filed: February 25, 2008
Attorney Docket No. ASM08-02

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 6, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest whose properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT OFFICE OF DR. CHUNG S. PARK
P. O. BOX 62312
SUNNYVALE, CA 94088-2312

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Hyeung-Yun Kim
Application No. 12/072,255
Filed: February 25, 2008
Attorney Docket No. ASM08-02

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Chung Park on behalf of all attorneys of record who are associated with customer No. 46513. All attorneys/agents associated with the Customer Number 46513 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 25, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HYEUNG-YUN KIM
3351 ALMA STREET #305
PALO ALTO, CA 94305

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,255	02/25/2008	Hyeung-Yun Kim	ASM08-02

CONFIRMATION NO. 3653

POWER OF ATTORNEY NOTICE

Patent Office of Dr. Chung S. Park
P.O. Box 62312
Sunnyvale, CA 94088-2312

OC000000040984369

Date Mailed: 04/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/17/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT OFFICE OF DR. CHUNG S. PARK
PO BOX 62312
SUNNYVALE, CA 94088-2312

COPY MAILED
MAR 04 2010

In re Application of
Hyeung-Yun Kim
Application No. 12/072,256
Filed: February 25, 2008
Attorney Docket No. ASM08-01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT OFFICE OF DR CHUNG S. PARK
PO BOX 62312
SUNNYVALE, CA 94088-2312

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of
Hyeung-Yun Kim
Application No. 12/072,256
Filed: February 25, 2008
Attorney Docket No. ASM08-01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Chung S. Park on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HYEUNG-YUN KIM
3351 ALMA STREET #305
PALO ALTO, CA 94305

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,256	02/25/2008	Hyeung-Yun Kim	ASM08-01

CONFIRMATION NO. 3651

POWER OF ATTORNEY NOTICE

Patent Office of Dr. Chung S. Park
P.O. Box 62312
Sunnyvale, CA 94088-2312

Date Mailed: 03/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/17/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

MAY 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Coonan et al.	:	
Application No.: 12/072282	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – V	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a)," filed March 23, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed March 17, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 24, 2008.

Applicant files the present petition and asserts that a timely reply to the Office action was filed, including a request for a four (4) month extension of time and fee, on September 15, 2008[1], using the certificate of mail procedures under 37 CFR 1.8. Applicant avers that the reply included a three page cover letter identifying and itemizing the items submitted, and including a certificate of mailing in compliance with 37 CFR 1.8. Applicant draws attention to page two of the subject cover letter, which applicant asserts itemized the response for the present application. In support of this assertion, Applicant provides a copy of the reply.

[1] Accord 37 CFR 1.6.

A review of the reply filed in response to the Notice reveals that the reply was not a proper reply.

Initially it is noted that 37 CFR 1.4(b) requires that "[s]ince each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

Review of the "cover letter"

A review of the cover letter reveals that the cover letter has not been properly executed by all inventors. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the reply to the Notice is not signed by all the inventors and the record herein fails to disclose that Gary Coonan was ever given a power of attorney to act on behalf of inventors Dean A. Werthman and Ary Inthaluxay, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the reply is not considered a proper reply.

Conclusion

In view of the foregoing, Applicant has failed to demonstrate that a complete and proper reply to the Notice was timely filed.

Alternate Venue

Applicants are strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned

application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-09

MICHAEL B. MCNEIL
LIELL & MCNEIL ATTORNEYS PC
P.O. BOX 2417
BLOOMINGTON IN 47402-2417

COPY MAILED

JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Coonan et al. :
Application No. 12/072,282 :
Filed: 02/25/2008 : ON PETITION
Attorney Docket No. Stinger - V :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on June 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed on March 17, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. Notice of Abandonment was mailed on October 24, 2008.

On June 15, 2009, the subject petition under 37 CFR 1.137(b) was filed.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

MAY 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Coonan et al.	:	
Application No.: 12/072283	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – IV	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a)," filed March 23, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed March 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 24, 2008.

Applicant files the present petition and asserts that a timely reply to the Office action was filed, including a request for a four (4) month extension of time and fee, on September 15, 2008[1], using the certificate of mail procedures under 37 CFR 1.8. Applicant avers that the reply included a three page cover letter identifying and itemizing the items submitted, and including a certificate of mailing in compliance with 37 CFR 1.8. Applicant draws attention to page two of the subject cover letter, which applicant asserts itemized the response for the present application. In support of this assertion, Applicant provides a copy of the reply.

A review of the reply filed in response to the Notice reveals that the reply was not a proper reply.

[1] Accord 37 CFR 1.6.

Initially it is noted that 37 CFR 1.4(b) requires that "[s]ince each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

Review of the "cover letter"

A review of the cover letter reveals that the cover letter has not been properly executed by all inventors. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the reply to the Notice is not signed by all the inventors and the record herein fails to disclose that Gary Coonan was ever given a power of attorney to act on behalf of inventors Dean A. Werthman and Ary Inthaluxay, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the reply is not considered a proper reply.

Conclusion

In view of the foregoing, Applicant has failed to demonstrate that a complete and proper reply to the Notice was timely filed.

Alternate Venue

Applicants are strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
OIW Jul-09

MICHAEL B. MCNEIL
LIELL & MCNEIL ATTORNEYS PC
P.O. BOX 2417
BLOOMINGTON IN 47402-2417

COPY MAILED

JUL 22 2009

OFFICE OF PETITIONS

In re Application of :
Coonan et al. :
Application No. 12/072,283 :
Filed: 02/25/2008 :
Attorney Docket No. Stinger-IV :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on June 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed on March 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. Notice of Abandonment was mailed on October 24, 2008.

On June 15, 2009, the subject petition under 37 CFR 1.137(b) was filed.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Harbin et al.	:	
Application No.: 12/072284	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – VII	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a)," filed March 23, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed Monday, March 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 24, 2008.

Applicant files the present petition and asserts that a timely reply to the Office action was filed, including a request for a four (4) month extension of time and fee, on September 15, 2008[1], using the certificate of mail procedures under 37 CFR 1.8. Applicant avers that the reply included a three page cover letter identifying and itemizing the items submitted, and including a certificate of mailing in compliance with 37 CFR 1.8. Applicant draws attention to page two of the subject cover letter, which applicant asserts itemized the response for the present application. In support of this assertion, Applicant provides a copy of the reply.

A review of the reply filed in response to the Notice reveals that the reply was not a proper reply.

[1] Accord 37 CFR 1.6.

Initially it is noted that 37 CFR 1.4(b) requires that "[s]ince each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

Review of the "cover letter"

A review of the cover letter reveals that the cover letter has not been properly executed by all inventors. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the reply to the Notice is not signed by all the inventors and the record herein fails to disclose that Gary Coonan was ever given a power of attorney to act on behalf of inventor Lee Melvin Harbin, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the reply is not considered a proper reply.

Conclusion

In view of the foregoing, Applicant has failed to demonstrate that a complete and proper reply to the Notice was timely filed.

Alternate Venue

Applicants are strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Harbin et al.	:	
Application No.: 12/072284	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – VII	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed June 12, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed Monday, March 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 27, 2008.

Applicant files the present petition and response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply (previously filed on September 18, 2008); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Harbin et al.	:	
Application No.: 12/072285	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – VI	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a)," filed March 23, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed Monday, March 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 27, 2008.

Applicant files the present petition and asserts that a timely reply to the Office action was filed, including a request for a four (4) month extension of time and fee, on September 15, 2008[1], using the certificate of mail procedures under 37 CFR 1.8. Applicant avers that the reply included a three page cover letter identifying and itemizing the items submitted, and including a certificate of mailing in compliance with 37 CFR 1.8. Applicant draws attention to page two of the subject cover letter, which applicant asserts itemized the response for the present application. In support of this assertion, Applicant provides a copy of the reply.

A review of the reply filed in response to the Notice reveals that the reply was not a proper reply.

[1] Accord 37 CFR 1.6.

Initially it is noted that 37 CFR 1.4(b) requires that "[s]ince each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

Review of the "cover letter"

A review of the cover letter reveals that the cover letter has not been properly executed by all inventors. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the reply to the Notice is not signed by all the inventors and the record herein fails to disclose that Gary Coonan was ever given a power of attorney to act on behalf of inventor Lee Melvin Harbin, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the reply is not considered a proper reply.

Conclusion

In view of the foregoing, Applicant has failed to demonstrate that a complete and proper reply to the Notice was timely filed.

Alternate Venue

Applicants are strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Harbin et al.	:	
Application No.: 12/072285	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – VI	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed June 15, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed Monday, March 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 27, 2008.

Applicant files the present petition and response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply (previously filed on September 18, 2008); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael B. McNeil
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington IN 47402-2417

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Coonan et al.	:	
Application No.: 12/072297	:	DECISION ON
Filing or 371(c) Date: 02/25/2008	:	PETITION
Attorney Docket Number: Stinger – VIII	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a)," filed March 23, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed March 13, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. A Notice of Abandonment was mailed October 24, 2008.

Applicant files the present petition and asserts that a timely reply to the Office action was filed, including a request for a four (4) month extension of time and fee, on September 15, 2008[1], using the certificate of mail procedures under 37 CFR 1.8. Applicant avers that the reply included a three page cover letter identifying and itemizing the items submitted, and including a certificate of mailing in compliance with 37 CFR 1.8. Applicant draws attention to page two of the subject cover letter, which applicant asserts itemized the response for the present application. In support of this assertion, Applicant provides a copy of the reply.

A review of the reply filed in response to the Notice reveals that the reply was not a proper reply.

[1] Accord 37 CFR 1.6.

Initially it is noted that 37 CFR 1.4(b) requires that "[s]ince each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical."

Review of the "cover letter"

A review of the cover letter reveals that the cover letter has not been properly executed by all inventors. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the reply to the Notice is not signed by all the inventors and the record herein fails to disclose that Gary Coonan was ever given a power of attorney to act on behalf of inventors Dean A. Werthman and Ary Inthaluxay, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the reply is not considered a proper reply.

Conclusion

In view of the foregoing, Applicant has failed to demonstrate that a complete and proper reply to the Notice was timely filed.

Alternate Venue

Applicants are strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Jul-09

MICHAEL B. MCNEIL
LIELL & MCNEIL ATTORNEYS PC
P.O. BOX 2417
BLOOMINGTON IN 47402-2417

COPY MAILED

JUL 22 2009

OFFICE OF PETITIONS

In re Application of :
Coonan et al. :
Application No. 12/072297 :
Filing Date: 02/25/2008 :
Attorney Docket Number: :
Stinger - VIII :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on June 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed on March 13, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). A reply was filed on September 18, 2008, however, the reply was not timely. No complete and proper (timely) reply having been received, the application became abandoned on May 15, 2008. Notice of Abandonment was mailed on October 24, 2008.

On June 12, 2009, the subject petition under 37 CFR 1.137(b) was filed.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

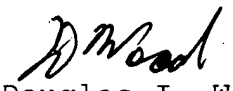
(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

MAR 3 1 2008

BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

In re Application of
WEBSTER, Richard C.
Application No. 12/072,366
Filed: February 26, 2008
Attorney Docket No. **RW03-01U**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that Richard C. Webster is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUHLER ASSOCIATES
KIRK A. BUHLER
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

MAILED

APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Richard Colman Webster :
Application No. 12/072,366 : DECISION ON PETITION
Filed: February 26, 2008 : TO WITHDRAW
Attorney Docket No. RW03-01U : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kirk A. Buhler on behalf of all attorneys of record who are associated with customer No. 37038. All attorneys/agents associated with the Customer Number 37038 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: RICHARD COLMAN WEBSTER
2058 DOVE COURT
CORONA, CA 92882

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,366	02/26/2008	Richard Colman Webster	RW03-01U

CONFIRMATION NO. 4707

POWER OF ATTORNEY NOTICE

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

Date Mailed: 04/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BETTY JANE CRAIGLOW
770 N. RAINCROW ROAD
FAYETTEVILLE, AR 72704-7880

COPY MAILED

SEP 15 2008

In re Application of :
CRAIGLOW, Betty J. :
Application No. 12/072,432 : DECISION ON PETITION TO MAKE
Filed: February 26, 2008 : SPECIAL UNDER 37 CFR 1.102(C)(1)
Attorney Docket No. :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the driver's license of inventor Betty J. Craiglow, attesting to her age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center 571-272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BO-IN LIN
13445 MANDOLI DRIVE
LOS ALTOS HILLS, CA 94022

COPY MAILED

MAR 09 2009

OFFICE OF PETITIONS

In re Application of :
Hirotoschi Ichikawa et al :
Application No. 12/072,449 : ON PETITION
Filed: February 25, 2008 :
Attorney Docket No. SQ-0627 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 2, 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 Missing Parts of Nonprovisional Application (Notice) mailed April 4, 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 5, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Tak Ko Wong	: DECISION ON REQUEST FOR
Patent Number	: 7574881	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/072,456	: OF WYETH
Filed	: 02/26/2008	:
		:

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100

COPY MAILED

JUL 21 2009

OFFICE OF PETITIONS

In re Application of :
Cox et al. :
Application No. 12/072,458 : DECISION ON PETITION
Filed: February 26, 2008 :
Attorney Docket No. F3446(C) :

This is a decision on the petition, filed May 22, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts (Notice) of September 19, 2008, which set a two (2) month shortened statutory period for reply. A reply was due on or before November 19, 2008 without an extension of time under 37 CFR 1.136, or April 19, 2009 with a five month extension of time.

Petitioner states that a reply was in fact timely filed. A search of the file reveals that a signed Declaration is of record in the application file and was received by the USPTO on August 27, 2008. A copy of the previously submitted reply accompanies the petition in addition to a copy of a return postcard which acknowledges receipt of the reply by the U.S. Patent and Trademark Office (USPTO) on August 27, 2008. Accordingly, the response to the Office action of August 27, 2008 is recognized as being timely received in the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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 with petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NANCY A PAPPAS
LIFE SCIENCES, INC.
2900 72ND STREET, NORTH
ST. PETERSBURG, FL 33710

COPY MAILED

MAY 08 2008

OFFICE OF PETITIONS

In re Application of :
SRYBNIK, et al. :
Application No. 12/072,464 :
Filed: February 26, 2008 :
Attorney Docket No. **SRY-5** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 26, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Simon Srybnik, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2800.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 2834 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK NY 10036-7311

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Osamu Fuji	:	
Application No. 12/072,470	:	DECISION ON PETITION
Filed: February 26, 2008	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.182
407273.121730	:	
Title: TRANSMITTING/RECEIVING	:	
METHOD, TRANSMITTER/RECEIVER,	:	
AND RECORDING MEDIUM THEREFOR	:	

This is a decision on the petition filed May 12, 2008, requesting that the above-identified application, including page 48 of the specification, be accorded a filing date of February 26, 2008 as part of the original disclosure.

The application was deposited on February 26, 2008. However, on March 25, 2008, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants, *inter alia*, that page 48 of the specification appeared to have been omitted on filing. The notice set a two-month period of reply.

In response, on May 12, 2008, applicants filed this petition. The petition is further accompanied by, *inter alia*, a copy of page 48 of the specification, along with a copy of Applicants'

postcard receipt acknowledging receipt of "Specification & Formal Drawings (69 pp)" in the United States Patent and Trademark Office (Office) on February 26, 2008. Applicants request that page 48 of the specification be accorded a filing date of February 26, 2008.

Upon review of the electronic file, 44 pages of specification, 3 pages of claims, a one-page abstract, and 20 pages of drawings have been located (totaling 68 pages). Page 48 of the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 26, 2008 included page 48 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 48 of the specification, was complete on filing and entitled to a filing date of February 26, 2008 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED.**

The notice mailed March 25, 2008 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary, and the petition fee will be credited to Petitioner's Deposit Account in due course.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- Processing the application with a filing date of February 26, 2008, using the original application papers filed on that date, as well as page 48 of the specification submitted on May 12, 2008, and;
- noting in Office records that page 48 of the specification was present on filing.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival or withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

AUG 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Ravi Chandran et al. :
Application No. 12/072,500 : DECISION REFUSING STATUS
Filed: February 26, 2008 : UNDER 37 CFR 1.47(b)
Attorney Docket No. **2376.2116-020 (PB 00 0044** :

This is a decision on the petition filed under 37 CFR 1.47(a) on July 25, 2008, which is treated under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed February 26, 2008, without an executed oath or declaration.

Accordingly, on March 26, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed requiring *inter alia*, an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response, the present petition was filed, accompanied by the late filing surcharge and petition fee.

At the outset, the petition names three joint inventors, Ravi Chandran, Daniel J. Marchok and Bruce E. Dunne, and according to the petition, neither has executed the oath or declaration. Petitioner is advised that if none of the named inventor(s) will sign

the oath or declaration, a petition under 37 CFR 1.47(b) must be filed. If some of the named inventors signed the oath or declaration and one or more of the named inventors have not signed the declaration, a petition under 37 CFR 1.47(a) must be filed. Although three inventors have been named and the oath or declaration has not been executed, accordingly, this petition will be treated under 37 CFR 1.47(b).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items(2), (5) and (6).

A power of attorney has been presented signed by James M. Sheehan, Executive Vice President, General Counsel & Secretary, along with a statement under 37 CFR 3.73(b). In regards to item (2) however, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The office must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.[2] Petitioners should provide a copy of the employment agreement between the non-signing inventors and the Rule 1.47(b) applicant (company); a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the

---

[1]MPEP 409.03(b).

[2]MPEP 409.03(f).

Rule 1.47(b) applicant; or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 1.47(b) applicant.

In regards to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

Finally, petitioners are advised that the fee for a petition under 37 CFR 1.47(b) is set at $200 and not $130.00 as indicated in the petition. In view thereof and in view of the authorization to charge petitioner's deposit account for any deficiencies, deposit account no. 08-0380 has been charged in the amount of $70.00 to make up the difference between that which was paid and that which was due.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

NOV 20 2008

OFFICE OF PETITIONS

In re Application of :
Ravi Chandran et al. :
Application No. 12/072,500 : **37 CFR 1.47(b) DISMISSED** AS
Filed: November 30, 2004 : INVOLVING MOOT ISSUES
Attorney Docket No. **2376.2116-020 (PB 00 0044** :

This decision is on the request for reconsideration filed October 24, 2008 under 37 CFR 1.47(b), in response to the decision on petition mailed August 28, 2008.

The above-identified application was filed February 26, 2008, without an executed oath or declaration. Accordingly, on March 26, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed requiring *inter alia*, an executed oath or declaration and a surcharge for the late filing of the oath or declaration. In response, a petition under37 CFR 1.47 was filed July 25, 2008, accompanied by the late filing surcharge and petition fee.

The petition was dismissed in a decision mailed August 28, 2008 because items (2), (5) and (6) under 37 CFR 1.47(b) had not been met.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

Comes now petitioner arguing that the instant application is a continuation of application no. 11/046,161 and requesting that the declaration previously filed in application no. 11/046,161 be accepted as the response to the "Notice To File Missing Parts of Nonprovisional Application" mailed March 26, 2008.

In view thereof and in accordance with 37 CFR 1.63(d), there is no need to treat the

petition filed under 37 CFR 1.47(b). This application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

The petitions filed under 37 CFR 1.47 on July 25, 2008 and renewed October 24, 2008 are **DISMISSED** as involving moot issues.

This matter will be referred to the Office of Patent Application Processing for further pre-examination processing using the declaration from parent application no. 11/046,161 in response to the "Notice To File Missing Parts of Nonprovisional Application" mailed March 26, 2008.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

COPY MAILED

JAN 16 2009

In re Application of :
Hans-Joerg Moebius :
Application No.12/072,539 : DECISION ON PETITION
Filed: February 27, 2008 :
Attorney Docket No. MERZ 36 DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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 corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the notice mailed March 18, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Mail Date: 04/21/2010

Applicant	: Nicolas Catena	: DECISION ON REQUEST FOR
Patent Number	: PP20859	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/072,554	: OF WYETH
Filed	: 02/26/2008	:
		:

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
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Mail Date: 04/21/2010

Applicant	: Nicolas Catena	: DECISION ON REQUEST FOR
Patent Number	: PP20766	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/072,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/26/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANA REWOLDT
GARST SEED COMPANY
2369 330TH STREET
PO BOX 500
SLATER, IA 50244

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Kurt Lindenbaum	:	
Application No. 12/072,584	:	DECISION DISMISSING PETITION
Filed: February 27, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SOYBEAN CULTIVAR S07-03KL	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until July 14, 2009. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for express abandonment filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $130 filing fee for the express abandonment and the $130 petition fee submitted are unnecessary and will be refunded to petitioner's credit card.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Petitioner is advised, that while petitions to withdraw from issue may be mailed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding this application should be directed to the Office of Data Management at their hotline at 571-272-4200.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANA REWOLDT
GARST SEED COMPANY
2369 330TH STREET
PO BOX 500
SLATER, IA 50244

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Roger McBroom, et al. :
Application No. 12/072,585 : DECISION DISMISSING PETITION
Filed: February 27, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SOYBEAN CULTIVAR S07-03-JR :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until July 14, 2009. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for express abandonment filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $130 filing fee for the express abandonment and the $130 petition fee submitted are unnecessary and will be refunded to petitioner's credit card.

Petitioner is advised, that while petitions to withdraw from issue may be mailed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding this application should be directed to the Office of Data Management at their hotline at 571-272-4200.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IPG PHOTONICS CORPORATION
50 OLD WEBSTER ROAD
OXFORD, MA 01540

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of :
Grapov et al. :
Application No. 12/072,598 : DECISION ON PETITION
Filed: February 27, 2008 :
Attorney Docket No. IPG-0009 :

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 not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Yuri Kateshov appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 5, 2009, as required by the Notice of Allowance and Fee(s) Due mailed October 3, 2008. Accordingly, the application became abandoned on January 4, 2009. A Notice of Abandonment was mailed January 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of 1,620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

COPY MAILED

JUL 24 2008

In re Application of	:	
Jeffrey Grayzel, et al.	:	
Application No. 12/072,603	:	DECISION ON PETITION
Filed: February 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 129338/00108	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from one of the applicant's 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 3731 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Mail Date: 04/21/2010

Applicant	: Nicolas Catena	: DECISION ON REQUEST FOR
Patent Number	: PP20860	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/072,674	: OF WYETH
Filed	: 02/26/2008	:
		:

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Nov-08

MICHAEL W. HAAS
RESPIRONICS, INC.
1010 MURRY RIDGE LANE
MURRYSVILLE PA 15668

COPY MAILED

NOV 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Doelling, Gillis, Lax, Nelson,	:	DECISION ACCORDING STATUS
and Paraschac	:	UNDER 37 CFR 1.47(a)
Application Number: 12/072680	:	
Filing Date: 02/27/2008	:	
Attorney Docket Number: 07-60	:	

This is in response to the petition under 37 CFR 1.47(a) filed on October 13, 2008.

The petition is **GRANTED**.

Petitioners have shown, via the statements in the petition by registered patent practitioner Richard J. Coldren, that a copy of the application as filed was sent to the last known addresses of non-signing inventors Eric N. Doelling and Ronald G. Lax by Federal Express, but that the non-signing inventors failed to sign and return the declaration naming them as joint inventors along with Edward M. Gillis, Lionel M. Nelson, and Joseph Paraschac.

As such, the showing of record is that the non-signing inventors have constructively refused to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized in the subject petition.

The application is being referred to Technology Center Art Unit 3772 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DFW Nov-08

Eric N. Doelling
718 Jura Way
Sunnyvale CA 94087

COPY MAILED

NOV 19 2008

OFFICE OF PETITIONS

In re Application of
Doelling et al.
Application No. 12/072,680
Filed: February 27, 2008
For: DEVICES, SYSTEMS, AND METHODS TO MOVE OR RESTRAIN THE HYOID BONE

Dear Mr. Doelling:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

RESPIRONICS INC.
1010 MURRY RIDGE LANE
MURRYSVILLE PA 15668-8525

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Nov-08

COPY MAILED

NOV 19 2008

OFFICE OF PETITIONS

Ronald G. Lax
1937 Southcreek Blvd.
Port Orange FL 32128-7376

In re Application of
Doelling et al.
Application No. 12/072,680
Filed: February 27, 2008
For: DEVICES, SYSTEMS, AND METHODS TO MOVE OR RESTRAIN THE HYOID BONE

Dear Mr. Lax:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

RESPIRONICS INC.
1010 MURRY RIDGE LANE
MURRYSVILLE PA 15668-8525

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Van Pelt, Yi & James, LLP
10050 N. Foothill Boulevard #200
Cupertino, CA 95014

COPY MAILED

DEC 15 2008

In re Application of

David W. Chang
Application No. 12/072,683
Filed: May 16, 2008
Attorney Docket No. CHANP001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Laura Ing on behalf of all attorneys/agents associated with customer number 21912. All attorneys/agents associated with customer number 21912 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence has been changed. The new address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: David W. Chang
10175 Danube Drive
Cupertino, CA 95014

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,683	05/16/2008	David W. Chang	CHANP001

CONFIRMATION NO. 5069

POWER OF ATTORNEY NOTICE

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

Date Mailed: 12/11/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/10/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

FEB 23 2010

OFFICE OF PETITIONS

In re Application of
M. Samy Abdou
Application No. 12/072,695
Filed: February 26, 2008
Attorney Docket No. 37685-527001US

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102 filed February 18, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 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 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

All other inquires 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 3733 for action on the merits commensurate with this decision.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALWORTH LAW & ENGINEERING
505 CUMBERLAND ROAD
TYLER TX 75703-9324

COPY MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
Roy R. VANN :
Application No. 12/072,725 : DECISION ON PETITION
Filed: February 28, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2008 PAT 255 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 24, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3672 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 26 2010

OFFICE OF PETITIONS

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of :
Scott N. Kelly :
Application No. 12/072,736 : DECISION ON PETITION
Filed: February 28, 2008 :
Attorney Docket No. **G07-NPIC3426** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 3, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 4, 2009

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1638 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,840	02/28/2008	Tsuyoshi Takagi	SONY JP 3.0- 1583	5472

7590 09/10/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
GAFFIN, JEFFREY A	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
03/03/2008 HVUONG1 00000017 121095 12072840
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

FERRELLS, PLLC
P. O. BOX 312
CLIFTON VA 20124-1706

In re Application of	:	
Pleban, et al.	:	DECISION ON PETITION
Application No.: 12/072,843	:	
Filed: 28 February, 2008	:	
Attorney Docket No. 1734 (TI-02-8)	:	

This is the decision in response to the petition under 37 C.F.R. §1.47(a), filed on 1 May, 2008.

The petition as considered under 37 C.F.R. §1.47(a), is **GRANTED.**

Petitioner has shown that the Non-signing inventor has not replied and thus constructively have refused to sign/join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(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 of the non-signing inventor, 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]

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 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

---

[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). 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

WALDEMAR LOHR
WIESDADENER STRAßE 49
D-65199, WIESDADEN
GERMANY

In re Application of :
Pleban, et al. : DECISION ON PETITION
Application No.: 12/072,843 :
Filed: 28 February, 2008 :
Attorney Docket No. 1734 (TI-02-8) :

Dear Waldemar Lohr:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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:
FERRELLS, PLLC
P. O. BOX 312
CLIFTON VA 20124-1706

[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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

FREDERICK KAUFMAN
SUITE #403
1937 PENDRELL STREET
VANCOUVER BC V6G 1T4 CA CANADA

COPY MAILED

MAR 31 2008

OFFICE OF PETITIONS

In re Application of :
Donald W. Temple, Thomas J. :
Lydynuik, Anton Simor, Avner I. :
Bachar, and Stefan Steiger :
Application No. 12/072,872 : DECISION ON PETITION
Filed: February 29, 2008 : PURSUANT TO
Title: FOOT ACTUATOR ADAPTED TO : 37 C.F.R. § 1.47(A)
BE USED WITH A DENTAL CHAIR :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed February 29, 2008 along with the above-identified application.

---

1 A grantable petition under 37 C.F.R. § 1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) proof that either:
a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

This petition pursuant to Rule § 1.47(a) is **DISMISSED**.

On February 29, 2008, the application was filed, identifying Donald W. Temple, Thomas J. Lydynuik, Anton Simor, Avner I. Bachar, and Stefan Steiger as joint inventors. The application was deposited with a declaration that had been executed by each of the joint inventors save Mr. Bachar.

With this petition, Petitioner has further included the last known address of non-signing inventor Bachar, the petition fee, a declaration of facts from one of the signing inventors, and an assertion that non-signing inventor Bachar has refused to join in the application.

Petitioner has met requirements (1), (3), and (5) of Rule 1.47(a). The second requirement is not applicable, and **the fourth requirement has not been met.**

Regarding the fourth requirement of Rule 1.47(a), **it does not appear that a complete copy of the application was sent to the last-known address of the non-signing inventor.**

Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration[2]. Both the petition and the Simor declaration of facts are silent as to the presentation of a complete copy of the application to non-signing inventor Bachar - the declaration of facts merely refers to unspecified "documentation" that was "prepared and signed" by each inventor save Mr. Bachar. As such, the fourth requirement has not been met.

It follows that since it has not been shown that a complete copy of the application was sent to the non-signing inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a

---

2 See M.P.E.P. § 409.03(d).

petition under Rule 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed[3].

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

Before filing the renewed petition, Petitioner should either:

- **secure a statement of facts from one having firsthand knowledge of a previous presentation of the complete application to the non-signing inventor, or:**
- **mail a complete copy of the application to the last known address of the non-signing inventor, and provide him with a reasonable period of time to respond.**

Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[7].

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.

---

3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[8].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

8 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 15 2009

OFFICE OF PETITIONS

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON TX 75083

In re Application of :

DUFOUR, Eric :
Application No. 12/072,917 : DECISION ON PETITION
Filed: February 27, 2008 : TO WITHDRAW
Attorney Docket No. **P0830** : 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 15, 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 indications that acts (1) and (2) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **CHRISTIE, PARKER & HALE, LLP**
PO BOX 7068
PASADENA, CA 91109-7068

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

DEC 10 2009

OFFICE OF PETITIONS

FURGANG & ADWAR
2 CROSFIELD AVENUE
WEST NYACK NY 10994

In re Application of :
Stewart :
Application No. 12/072,920 : DECISION
Filed: 27 February, 2008 :
Attorney Docket No. 9624.1-P :

This is a decision on the petition filed on 4 September, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (and Corrected Application Papers) mailed on 19 March, 2008, with reply due absent an extension of time on or before 19 May, 2008.

The application went abandoned by operation of law after midnight 19 May, 2008.

The Office mailed the Notice of Abandonment on 21 November, 2008.

On 4 September, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of an oath and surcharge with papers averred to be corrected and made the statement of unintentional delay.

The record (including the petition filed on 4 September, 2009) does not necessitate a finding that the delay between midnight 19 May, 2008 (the date of abandonment), and 4 September, 2009 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel Philip Furgang (Reg. No. 24,246) when accepting Petitioners' representation that the delay in filing the response was unintentional.[1]

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.[2]

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).[3] 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.[4]))

---

[1] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 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.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) to await the filing of Petitioner's brief (with fee) and 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[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[4] 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.

[5] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK D MILLER
KIMBLE, MACMICHAEL & UPTON
5260 NORTH PALM AVENUE
SUITE 221
FRESNO CA 93704

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of:	:	
Tisma et al.	:	
Application No. 12/072990	:	DECISION DISMISSING
Filing or 371(c) Date: 02/29/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
SYSTEM AND METHOD FOR	:	
ASSEMBLING A PACKAGE	:	
WITH A FLIP-TOP	:	

This is in response to a "Petition Pursuant to 37 C.F.R. § 1.47(a)," filed February 29, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **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 [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on February 29, 2008, without, an executed oath or declaration. Applicant files the instant petition, along with an oath/declaration executed by two of four inventors. A review of the oath/declaration reveals that the citizenship of inventors Yugoslev Kokosovic and Stevan Tisma have not been included thereon[1].

[1] The present application is a divisional application of 11/185,250, filed July 20, 2005, which is a divisional application of 10/633,337, filed August 1, 2003. The oath/declaration filed with the present petition is a copy of the oath/declaration originally filed in application 10/633,337, and re-filed in application 11/185,250.

Applicable law, Rules and/or MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), 37 CFR § 1.63(a) states that the oath or declaration must, (3) identify the country of citizenship of each inventor.

In this instance, the citizenship of inventors Yugoslev Kokosovic and Stevan Tisma have not been included on the oath/declaration. An oath or declaration which includes the citizenship of the inventors, is required.

Petitioner is further advised that, as provided in 37 CFR 1.63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
> (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and
> (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the

continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

Conclusion

Applicant must file an oath/declaration in compliance with 35 U.S.C. § 115 and 37 CFR 1.63. Applicant is also advised to correct the records in prior applications 11/185,250, filed July 20, 2005, and 10/633,337, filed August 1, 2003, by filing supplemental oath/declarations. After the records of the prior applications have been corrected, Applicant should file a copy of the decision granting the petition from the prior application with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
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

MARK D MILLER
KIMBLE, MACMICHAEL & UPTON
5260 NORTH PALM AVENUE
SUITE 221
FRESNO CA 93704

COPY MAILED

AUG 15 2008

In re Application of :
Tisma et al. :
Application No. 12/072990 : ON PETITION
Filing or 371(c) Date: 02/29/2008 :
Attorney Docket Number: 11248.02 :

This is a decision on the "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47," filed June 16, 2008, The Request is properly treated as a petition under 37 CFR § 1.183 to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.

The petition is **GRANTED**.

The application as-filed listed four inventors: Peter Tisma; Yugoslov Kokotovic; Radoje Bajic and Steven Tisma. Applicant filed the present application and a declaration from prior application 10/633,337. The present application is a Divisional of prior application 11/185,250, which is a Divisional application of 10/633,337. Accord 37 CFR 1.63(d). The signature of inventors Peter and Steven Tisma were missing from the declaration. A review of the oath/declaration also revealed that the citizenship of inventors Yugoslev Kokosovic and Stevan Tisma had not been included thereon. As uch, the oath/declaration was proper, and properly executed by inventor Radoje Bajic only.

The petition was dismissed in a Decision mailed April 14, 2008. The Decision required an oath/declaration in compliance with 35 U.S.C. § 115 and 37 CFR 1.63. Applicant was also advised to correct the records in prior applications 11/185,250, filed July 20, 2005, and 10/633,337, filed August 1, 2003, by filing supplemental oath/declarations.

The present request for reconsideration of petition

Applicant files the present request for reconsideration of petition and provides, inter alia, that a copy of an oath/declaration and of the application were sent to the last known addresses of the four inventors via certified mail, but have not been returned.

Applicable Law, rules and MPEP

37 CFR 1.67 states, in pertinent part:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
>
> > (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.
> > (2) Deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) (§§ 1.42, 1.43 or § 1.47) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates. (Emphasis supplied).

The MPEP 601 states, in relevant part

> Similarly, if the oath or declaration under 37 CFR 1.63 incorrectly sets forth the citizenship of one of the inventors, that inventor must submit a supplemental oath or declaration under 37 CFR 1.67 with the correct citizenship notwithstanding the correct identification of the citizenship in an application data sheet or supplemental application data sheet. If the spelling of the inventor's name is incorrect, however, only a supplemental application data sheet is required. See MPEP § 605.04(b). (Emphasis supplied).

37 CFR § 1.183, Suspension of rules, states in pertinent part:

> In an extraordinary situation, when justice re-quires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

Analysis and conclusion

With the present petition, Applicant has set forth the steps taken to secure the inventors signature on the supplemental declaration. Applicant avers that a search of the whereabouts of the inventors was undertaken, and a copy of the supplemental oath/declaration was mailed to inventors at the addresses yielded for the inventors as a result of the search.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental declaration was required to be signed by inventors Yugoslov Kokotovic and Steven Tisma[1]. Applicant has demonstrated that a *bona fide* effort was made to secure inventors Yugoslov Kokotovic and Steven Tisma's signatures on the supplemental declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

The declaration, filed with the request for reconsideration of petition on June 16, 2008, will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.

The application file is being referred to Technology Center Art Unit 3721 for examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

[1] The Request for reconsideration notes that Steven Tisma did not execute the oath/declaration filed from prior application 10/633,337, and that it is believed that the dismissal was intended to refer to the lack of citizenship of the two signing inventors; however, and as the request for reconsideration also notes, the citizenship of inventor Bajic was included on the oath/declaration. Applicant is advised that the citizenship of the inventor(s) ((and name (identity)) is required on the oath/declaration whether or not the inventor executes the oath/declaration (Additional information such as the residence and/or mailing address of an inventor may be provided in an Application Data Sheet). In the present case, the oath/declaration from the parent application included the citizenship of inventors Peter Tisma and Radjoe Bajic (despite being executed by inventor Bajic only), and as such, per 37 CFR 1.67, the supplemental oath/declaration was required for inventors Yugoslov Kokotovic and Steven Tisma only.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT E. RIGGS
2739 O'DANIEL ROAD
SEGUIN TX 78155

COPY MAILED
MAR 11 2010

In re Application of	:	
Robert E. Riggs	:	
Application No. 12/072,993	:	DECISION ON PETITION
Filed: February 29, 2008	:	
Title: Drywall Crack Repair Backing Plates System	:	

This is a decision on the petition under 37 CFR 1.181, filed February 23, 2010, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to the non-final Office action mailed August 6, 2009, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. A Notice of Abandonment was mailed February 19, 2010.

Petitioner states that the reply was timely. A review of USPTO records reveals that petitioner's reply was received on February 5, 2010 and was indeed timely.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center AU 3635 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

2NITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

NOV 2 3 2009

OFFICE OF PETITIONS

In re Application of :
Ji-Yeon Lee, et al. :
Application No. 12/072,999 : DECISION ON PETITION
Filed: February 29, 2008 :
Attorney Docket No. EL0599USDIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 12, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 13, 2009. The Notice of Abandonment was mailed June 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

COPY MAILED

NOV 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Ji-Yeon Lee, et al.	:	
Application No. 12/072,999	:	DECISION ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. EL0599USDIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 12, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 13, 2009. The Notice of Abandonment was mailed June 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of :
Jennifer Marie Galvin et al. :
Application No. 12/073,000 : DECISION ON PETITION
Filed: February 29, 2008 :
Attorney Docket No. SS3655USNA :

This is a decision on the petition, filed December 15, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely respond to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed March 18, 2008.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard. A copy of the previously submitted reply accompanies the petition. Petitioner indicates that a Certificate of Mailing indicates applicants' timely reply. No Certificate of Mailing is provided on any of the papers which constitute the missing reply. Petitioner has provided a copy of a post card receipt. However the post card receipt is not date stamped which is required for *prima facie* evidence of receipt in the USPTO of all items listed on the receipt. See MPEP 503. The receipt has a hand written date of June 27, 2008 but this does not constitute the required **stamped** date.

For this reason the petition cannot be granted at this time.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

NOV 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Jennifer Marie Galvin, et al.	:	
Application No. 12/073,000	:	DECISION ON PETITION
Filed: February 29, 2008	:	
Attorney Docket No. SS3655USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 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 March 18, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 19, 2008. The Notice of Abandonment mailed November 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath (filed 6/18/09) and a substitute specification (filed December 15, 2008) and $130 surcharge (filed 6/18/09), (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office Patent Application Processing for appropriate action on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,010	02/28/2008	Tomohiro Mori	135871	5777

7590 08/05/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HON, SOW FUN	

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
08/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 NFARMER 0000168259

CHECK Refund Total: $255.00

Adjustment date: 08/07/2009 NFARMER
02/29/2008 CNGUYEN2 00000046 12073010
02 FC:2111 -255.00 OP

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

MAR 11 2009

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re application of	:	DECISION ON REQUEST TO
Koji Kasuya	:	PARTICIPATE IN PATENT
Application No. 12/073,023	:	PROSECUTION HIGHWAY
Filed: February 28, 2008	:	PROGRAM AND PETITION
For: TRANSMISSION FOR VEHICLES	:	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 6, 2009, to make the above-identified application special.

The request and petition are **DISMSSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority 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 because:

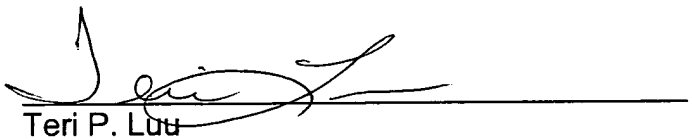
(3) all the claims in the U.S. application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application;

Specifically, U.S. claim 10 does not sufficiently corresponding to JPO claim 7. JPO claim 7 depends from JPO claim 6. JPO claim 6 sufficiently corresponds to U.S. claim 9. Accordingly, U.S. claim 10 should depend from U.S. claim 9; however, it is indicated as being dependent upon U.S. claim 6.

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 submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, 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.



Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 03/09/09

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

APR 07 2009

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re application of Koji Kasuya Application No. 12/073,023 Filed: February 28, 2008 For: TRANSMISSION FOR VEHICLES	: : : : : :	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 2, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority 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 claim amendment filed April 2, 2009 in which the dependency of claim 10 was changed from claim 6 to claim 9, all claims in the U.S. application sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, 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.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 04/07/09

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,024	02/28/2008	Masahiro Matsushita	0042-0580PUS1	5779

2292 7590 11/05/2008

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LE, DAVID D	

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
11/05/2008	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):

mailroom@bskb.com

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

NOV 0 4 2008

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re application of Masahiro Matsushita Application No. 12/073,024 Filed: February 28, 2008 For: TRANSMISSION FOR VEHICLES	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 31, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment and the IDS filed July 21, 2008, 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: 11/04/08

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

COPY MAILED

MAY 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Thomas H. Sharpe :
Application No. 12/073,032 : DECISION ON PETITION
Filed: February 28, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 22113.05 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 28, 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 3747 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,075	02/29/2008	Kenji Ishida	01-1631	5487

23400 7590 12/29/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
SAMSON, SARA B	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
12/29/2009	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
ISHIDA, KENJI	:	DECISION ON REQUEST TO
Application No. 12/073,075	:	PARTICIPATE IN PATENT
Filed: February 29, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 01-1631	:	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 14, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.T.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Miyuki Kono	: DECISION ON REQUEST FOR
Patent Number	: 7612875	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/073,153	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/29/2008	: 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

COPY MAILED

MAR 02 2009

OFFICE OF PETITIONS

In re Application of :
Ron Itzhak et al. :
Application No. 12/073,173 :
Filed: February 29, 2008 :
Attorney Docket No. GPK-4110-100 :
Title: METHOD AND APPARATUS FOR TREATING BIOLOGICALLY CONTAMINATED AIR :

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the "RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed on May 16, 2008, requesting that the above-referenced application be accorded a filing date of February 29, 2008. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

Application papers in the above-identified application were deposited on February 29, 2008. However, on March 19, 2008, the Office of Initial Patent Examination mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant, *inter alia*, that the application papers had not been accorded a filing date because the application was deposited without drawings.[1]

In response, Applicant timely filed this petition, where it is argued that ten pages of drawings were included on filing. The petition is further accompanied by a copy of ten sheets of drawings, along with a copy of applicants' postcard receipt acknowledging receipt of "10 sheets of Drawings (Figs, 1-15)" in the United States Patent and Trademark Office (Office) on February 29, 2008. Applicants request that the present

[1] The electronic file has been reviewed, and there is no indication that drawings were provided on filing.

application, including each of these ten sheets of drawings, be accorded a filing date of February 29, 2008.

Applicant's arguments and evidence have been considered, and the evidence is convincing that the application papers deposited on February 29, 2008 included ten sheets of drawings, and each of these sheets was subsequently misplaced in the Office. However, it is controlling that a review of the application confirms that as filed, the application contained at least one method claim. MPEP § 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to MPEP § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application. Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application.

It follows that no petition is required.

Accordingly, the petition under 37 C.F.R. §1.182 is **GRANTED**.

The notice mailed March 19, 2008 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of $400 has not been charged to Petitioner's Deposit Account.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to February 29, 2008**;
- **for indication in Office records, as appropriate, that ten sheets of drawings were present on filing, and;**
- **for issuance of a filing receipt.**

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.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

[2] Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any 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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,262	03/03/2008	Chris Knotts	20-690	6199

7590 06/24/2009

MARK NEWMAN
1613 RIGGS PLACE, N.W.
Washington, DC 20009

EXAMINER	
BOST, DWAYNE D	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Mark Newman
1613 Riggs Place, N.W.
Washington, D.C. 20009

In re Application of Chris Knotts	:	**DECISION ON**
Application No. 12/073,262	:	**PETITION TO WAIVE**
Filed: March 3, 2008	:	**37 CFR 1.98(a)(2) and**
For: Inter-Carrier Short Messaging Service	:	**ENTER DOCUMENTS**
Providing Phone Number Only Experience	:	**FILED IN RELATED PROCEEDING**

This is a decision on the petition styled "Petition under 37 C.F.R. § 1.182 and/or 1.183 to Waive 37 C.F.R. § 1.98(a)(2) and Enter Documents Filed in the June 4, 2009 IDS in Reexamination Control No. 95/000,353" filed June 4, 2009. The fee of $400 pursuant to 37 CFR 1.17(f) was charged to Deposit Account 141131 as authorized on page 2 of the petition.

The papers are before the Office of Patent Legal Administration.

The petition is **GRANTED**.

APPLICABLE REGULATORY PROVISIONS

37 CFR 1.182 provides:

> All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f).

37 CFR 1.183 provides:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

37 CFR 1.98(a) provides in relevant part:

> (a) Any information disclosure statement filed under § 1.97 shall include the items listed in paragraphs (a)(1), (a)(2) and (a)(3) of this section.
>
> ..
>
> (2) A legible copy of:
>
> (i) Each foreign patent;
>
> (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;

DECISION

Petitioner TCS requests that, with respect to the June 4, 2009 unsealed replacement Information Disclosure Statements (IDSs), the Director waive the requirement of 37 CFR 1.98(a)(2) of providing legible copies of the listed documents. Petitioner further requests that the Office enter the documents submitted in reexamination 95/000,353 into the instant application file.

On June 4, 2009 TCS filed (with guidance from the Office) petitions in multiple proceedings[1] to replace previously submitted IDSs in order to effect compliance with a court order in related litigation. On that date, TCS filed IDSs in each of the proceedings and supplied a complete set of the more than 450 non-patent literature and foreign patent documents, in compliance with 37 CFR 1.98(a)(2), in reexamination control no. 95/000,353.

All the documents provided in the June 4 replacement IDSs were previously submitted in the instant application file on June 2, 2008. The Office provisionally sealed all the documents of the 56 page IDS and closed the documents of the 38 page IDS of June 2, 2008 and requested resubmission as an administrative convenience. Absent such action, it would have been necessary to associate each IFW document of June 2, 2008 with the particular IDS (56-page or 38-page) in order to "close" the provisionally sealed documents.

Based on the specific facts and explanations set forth in the petition under 37 CFR 1.183 and the facts and circumstances of this application, the current situation is found to constitute an extraordinary situation when justice requires the waiver of the regulation. Accordingly, the petition to waive the requirement of 37 CFR 1.98(a)(2) of submitting the non-patent literature and foreign patent documents of the replacement IDS is granted.

Furthermore, the rules do not provide for copying of documents from one file into another. Therefore, in light of the waiver granted above, and the interest of maintaining a complete record in each proceeding the petition under 37 CFR 1.182 requesting the Office to copy the documents from the '353 proceeding into the instant proceeding is granted.

---

[1] Reexamination Control No. 95/000,353, Application Nos. 11/174,419, 11/516,593, and 12/073,262.

CONCLUSION

1. The petition under 37 CFR 1.183 to waive 37 CFR 1.98(a)(2) is granted.

2. The petition under 37 CFR 1.182 to copy documents from 95/000,353 is granted. The non-patent literature and foreign patent documents submitted in reexamination control no. 95/000,353 on June 4, 2009 will be copied into the Image File Wrapper of the instant patent application.

3. Telephone inquiries related to this decision may be directed to Pinchus M. Laufer, Legal Advisor, at (571) 272-7726, or in his absence, to the undersigned at (571) 272-7735.

Robert A. Clarke, Director
Office of Patent Legal Administration

cc: Robert Greene Sterne, Esq.
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Ave, N.W.
Washington, D.C. 20005-3934

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.
12/073,262	03/03/2008	Chris Knotts	20-690	6199

7590 06/24/2009

MARK NEWMAN
1613 RIGGS PLACE, N.W.
Washington, DC 20009

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark Newman
1613 Riggs Place, N.W.
Washington, D.C. 20009

In re Application of Chris Knotts	:	
Application No. 12/073,262	:	**DECISION GRANTING**
Filed: March 3, 2008	:	**PETITION TO REPLACE**
For: Inter-Carrier Messaging Service	:	**INFORMATION DISCLOSURE**
Providing Phone Number Only Experience	:	**STATEMENTS**

This is a decision on the petition filed on June 4, 2009 entitled "Petition Under 37 C.F.R. §1.182 to Replace Information Disclosure Statements Filed on June 2, 2008 with Information Disclosure Statements Filed June 4, 2009 and to Expunge Information Disclosure Statement Filed on June 2, 2008" (the "Petition").

The petition is granted. The Information Disclosure Documents filed June 4, 2009 are accepted for entry into the reexamination proceeding and the Information Disclosure Documents filed June 2, 2008 are being expunged from the record.

RELEVANT BACKGROUND

1. Application number 12/073,262 ("the '262 application") [1] was filed March 3, 2008 as a continuation of application number 11/359,586 ("the '586 application"), which is in turn a continuation of application number 11/130,256 ("the '256 application"), which in turn is a continuation of application number 10/720,343 ("the '343 application"), which is in turn a continuation of application number 09/985,032 which issued as U.S. Patent No. 6,658,260 (the '260 patent").

2. Application number 10/720,343 ("the '343 application") issued as U.S. Patent No. 6,985,748 ("the '748 patent") on January 10, 2006 and is assigned to TCS. The '748 patent is the subject of litigation styled *Telecommunication Systems, Inc. v. Mobile 365*, Inc. Civil Action No. 3:06-CV-485(JRS) (E.D. VA). On December 6, 2006, a protective order was issued in the litigation with respect to materials provided by each of the parties in the course of discovery.

3. On June 2, 2008, applicant in the '262 application filed two Information Disclosure Statements (IDSs), one of which contains a number of documents that are marked as being subject to a Protective Order that was issued in the above styled litigation on December 6, 2006. These documents have also been submitted (by the same party) in reexamination

[1] The '262 application was published on June 26, 2008 as United States Patent Application Publication 2008/0153527 and is thus available to any member of the public for viewing.

control number 95/000,353, application number 11/516,593, and reissue application number 11/174,419.

4. On June 17, 2008, applicant in the '262 application filed a petition to temporarily seal the "56 -page litigation IDS filed ... June 2, 2008" in respect to a decision temporarily sealing the same IDS in Control number 95/000,353 ("the 353 proceeding") the inter partes reexamination of the '748 patent (the patent which is the subject of the litigation).

5. On March 31, 2009, an order was issued in the aforementioned litigation which bears on the disposition of the protective order materials.

6. On May 19, 2009 the Office issued an order provisionally sealing the documents provided with the 56 page litigation IDS for 30 days and seeking compliance by applicant with the March 31, 2009 order in the district court litigation.

7. On June 4, 2009, in the interest of complying with the court's March 31, 2009 order, applicant filed papers including, *inter alia*, the petition which is the subject of this decision.

I. Pertinent Regulations

37 CFR § 1.182 Questions not specifically provided for.

> All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in **§ 1.17(f)**.

DECISION

1. Prior History

On March 31, 2009 an order, a final judgment, and a memorandum opinion were issued in *Telecommunication Systems, Inc. v. Mobile 365*, Inc. Civil Action No. 3:06-CV-485(JRS) (E.D. VA) ("*TCS v. Mobile 365*"). The memorandum opinion stated that the December 6, 2006 protective order applies to the documents submitted to the Office and held TCS in civil contempt of the protective order.

The Order entered on March 31, 2009 in *TCS v. Mobile 365* provides:

> Further this Court GRANTS Defendant the relief they seek and hereby ORDERS that:
> ...
> 3. TCS is further ORDERED to contact the PTO to request expungement of Mobile 365's confidential documents upon completion of PTO's review.

On May 19, 2009, the Office issued as "Order Seeking Compliance with Court Order of March 31, 2009" in which applicant TCS was advised that

> TCS would be required to refile the documents as two separate submissions - one containing all the documents which can be made public, and a second, submitted under seal as per the guidelines in MPEP 724.02, containing the documents still subject to the protective order - in order to facilitate the handling and processing in the Office.
>
> ... The Office has provisionally sealed all of the documents listed on the fifty-six (56) page June 2, 2008 IDS that are neither patents nor printed publications, by marking those documents as "closed" and "non-public." .

2. Applicant's Petition to Replace and expunge the June 2, 2008 IDS.

On June 4, 2009, TCS re-submitted all documents previously submitted in the information disclosure of June 2, 2008. The submission included the 38 page IDS[2], a redacted version of the 56 page IDS that excluded the documents still subject to protective order, an IDS submitted under seal, in compliance with the provisions of MPEP 724.02, directed to the documents subject to the protective order, and a redacted version of the sealed IDS listing for entry in the reexamination proceeding. Applicant concurrently filed copies of all non-patent literature and foreign patent documents listed on the June 4, 2009 IDSs.

Petitioner requests that to facilitate compliance with the court's order with respect to the protective order in the related litigation, that these documents be accepted as a replacement for the June 2, 2008 papers and that the IDS of June 2, 2008 be expunged from the record.

The petition to accept the June 4, 2009 submission as a replacement of the June 2, 2008 IDS is **granted.** The 56 page IDS and the sealed IDS of June 4, 2009 are accepted as replacing the 56 page IDS of June 2, 2008. The 38 page IDS of June 4, 2009 is accepted as replacing the 38 page IDS of June 2, 2008.

Accordingly, the petition to expunge the June 2, 2008 IDS is **granted** to the extent that both the 56 page IDS and the 38 page IDS will be expunged from the record by marking them as "closed" in the IFW and making them unavailable to the public. Sybase (the third party requester in the '353 reexamination) must retain the materials of the 56 page IDS for the enforceable life of the patent. However, since the 38 page IDS is identical to the replacement 38 page IDS and none of the documents are subject to a protective order, no requirement of retaining these documents is imposed.

CONCLUSION

1. The petition to replace the June 2, 2008 Information Disclosure Statements with the June 4, 2009 statements is granted.

2. The petition to expunge the June 2, 2008 Information Disclosure Statements is granted.

---

[2] The Office closed the 38 page IDS documents of June 2, 2008 and requested resubmission as an administrative convenience. Absent such action, it would have been necessary to associate each IFW document of June 2, 2008 with the particular IDS (56-page or 38-page) in order to "close" the provisionally sealed documents.

Sybase must retain a copy of the materials of the 56 page IDS for the enforceable life of the patent.

3. Jurisdiction over the proceeding is returned to the Primary Examiner to take appropriate action on the application.

4. Telephone inquiries related to this decision may be directed to Pinchus M. Laufer, Legal Advisor, at (571) 272-7726, or in his absence, to the undersigned at (571) 272-7735.

Robert A. Clarke, Director
Office of Patent Legal Administration

cc: Robert Greene Sterne, Esq.
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Ave, N.W.
Washington, D.C. 20005-3934

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.
12/073,262	03/03/2008	Chris Knotts	20-690	6199

7590 06/24/2009

MARK NEWMAN
1613 RIGGS PLACE, N.W.
Washington, DC 20009

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark Newman
1613 Riggs Place, N.W.
Washington, D.C. 20009

In re Application of Chris Knotts	:	**DECISION ON**
Application No. 12/073,262	:	**PETITION UNDER**
Filed March 3, 2008	:	**37 CFR 1.59(b) TO**
For: Inter-Carrier Short Messaging Service	:	**EXPUNGE MATERIAL**
Providing Phone Number Only Experience	:	**SUBMITTED UNDER SEAL**

This is a decision on the June 4, 2009 petition under 37 C.F.R. § 1.59(b) to expunge information submitted pursuant to MPEP 724.02.

The papers are before the Office of Patent Legal Administration.

The petition is **DISMISSED**.

DECISION

Petitioner TCS requests that the documents submitted under seal on June 4, 2009 be expunged from the record if they are found not to be material to examination. TCS states that the information is subject to a protective order,[1] the information has not been made public, and Sybase[2] commits to retain the information for the period of the patent. The petition fee set forth in 37 CFR 1.17(i) has been paid.

The petition is premature because the prosecution in the present proceeding has not been terminated, and, a final determination has not yet been made as to whether or not the information requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified documents are considered to be "material." After the examiner has issued a determination on the issue of importance of the sealed information in an Office action on the merits, the petition

[1] The papers refer to a protective order issued by the U.S. District Court, Eastern District of Virginia in Civil action No 3:06-CV-485 , *TeleCommunication Systems, Inc. v. Mobile 365, Inc.*

[2] Sybase is a party to the aforementioned litigation and has an interest in preserving the confidentiality of the protected information. Since TCS retaining the information may be problematic in light of the terms of the protective order, and retention is needed in order for expungement to be granted, Sybase has agreed to retain any expunged information.

to expunge may be renewed by applicant. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. In addition, any party who has an interest in preserving the confidentiality of the specific documents submitted June 4, 2009 under seal may **call up the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the file is forwarded for issuance of a patent. This may be done after the examiner has issued a determination on the issue of importance of the sealed information in an Office action on the merits, and is to be done no later than immediately after the time a Notice of Allowance is issued. A failure to timely call up the petition to expunge will result in the provisionally sealed material being unsealed and made of record in the examination file and thus becoming open to the public.**

CONCLUSION

1. The petition to expunge the documents submitted under seal on June 4, 2009 is dismissed as premature.

2. Applicant, TCS, may re-submit a petition to expunge the sealed information once the issue of materiality of the information is resolved. All other interested parties are cautioned to call up the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the file is forwarded for issuance of patent. This may be done after the examiner has issued a determination on the issue of importance of the sealed information in an Office action on the merits, and is to be done no later than immediately after the time a Notice of Allowance is issued. **A failure to timely call up the petition to expunge will result in the provisionally sealed material being unsealed and made of record in the examination file and thus becoming open to the public.**

3. Telephone inquiries related to this decision may be directed to Pinchus M. Laufer, Legal Advisor, at (571) 272-7726, or in his absence, to the undersigned at (571) 272-7735.

Robert A. Clarke

Robert A. Clarke, Director
Office of Patent Legal Administration

cc: Robert Greene Sterne, Esq.
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Ave, N.W.
Washington, D.C. 20005-3934

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK NEWMAN
1613 RIGGS PLACE, N.W.
WASHINGTON DC 20009

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Chris Knotts	:	
Application No. 12/073,262	:	DECISION ON PETITION
Filed: March 3, 2008	:	
Attorney Docket No. 20-690	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 9, 2009. A Notice of Abandonment was mailed April 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. 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.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Stephen Marcus
1300 Eye Street, NW, 1000 West Tower
Washington, DC 20005

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.
12/073,275	03/03/2008	Min-Kyu Lee	P58675	7113

7590 01/30/2009

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER	
TROST IV, WILLIAM GEORGE	
ART UNIT	PAPER NUMBER
2416	
MAIL DATE	DELIVERY MODE
01/30/2009	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 Farmel

Patent Publication Branch
Office of Data Management

Refund Ref:
02/04/2009 NFARMER 0000166004

CHECK Refund Total: $720.00

Adjustment date: 02/04/2009 NFARMER
03/04/2008 CNGUYEN2 00000021 12073275
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOFFMAN WASSON & GITLER, P.C.
SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON, VA 22202

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Kenneth B. CECIL	:	
Application No. 12/073,287	:	DECISION ON PETITION
Filed: March 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. A-10419	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/02/09

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 12073294 Patent No.: 7573757

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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: _____

_____

_____

_____

_____

_____ 2827

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

COPY MAILED

MAR 21 2008

OFFICE OF PETITIONS

In re Application of :
MORRISON, David J. :
Application No. 12/073,354 : DECISION ON PETITION
Filed: March 4, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **17433.12** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement of inventor David J. Morrison, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
Suite 500
3000 K Street NW
Washington, DC 20007

COPY MAILED
MAR 01 2010

In re Application of	:	
William J. Mayer	:	
Application No. 12/073,427	:	DECISION ON PETITION
Filed: March 5, 2008	:	TO WITHDRAW
Attorney Docket No. 40.102011 DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 4, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on October 16, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **VISTA IP LAW GROUP LLP**
12930 Saratoga Avenue
Suite D-2
Saratoga, CA 95070

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

February 4, 2010

In re application of	:	DECISION ON REQUEST TO
Akio Ikeda et al	:	PARTICIPATE IN PATENT
Serial No. 12/073,428	:	PROSECUTION HIGHWAY
Filed: March 5, 2008	:	PROGRAM AND
For: PNEUMATIC TIRE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 2, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

OCT 2 2 2009

OLIFF & BERRIDGE, PLC
P.O. BOX 230850
ALEXANDRIA, VA 22320-4850

In re application of	:	DECISION ON REQUEST TO
Koichi Kato et al.	:	PARTICIPATE IN PATENT
Application No. 12/073,439	:	PROSECUTION HIGHWAY
Filed: March 5, 2008	:	PROGRAM AND PETITION
For: VEHICLE PLANETARY GEAR DEVICE	:	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 20, 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 the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") for 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 concurrently with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 10/21/09

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS ANGELL
PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Yoshida, et al. :
Application No. 12/073,442 : DECISION
Filed/Deposited:5 March, 2008 :
Attorney Docket No. 81273(70904) :

This is a decision on the petition filed on 2 January, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

In the alternative, Petitioner may properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

As to the Request to Withdraw
the Holding of Abandonment

Petitioner's attention is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to satisfy the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

For reference: Petitioners' attentions are directed to the guidance set forth in the Commentary at MPEP §711.03(c)(I)—and with particularity to the requirements therein including statements of non-receipt at the address of record, search and non-discovery, with a description of docketing system and a statement of its reliability, and support for those the statements with copies of the docket record/file jacket cover and due date calendar/docket. (Further, the regulations at 37 C.F.R. §1.181 require that a Petitioner seek relief thereunder within two (2) months of the act complained of.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (copy enclosed) mailed on 2 April, 2008 (the 2 April, 2008, Office action), with reply due absent extension of time on or before 2 June, 2008.

The Office mailed a Notice of Abandonment (copy enclosed) on 4 December, 2008.

On 22 December, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and indicating the basis of the averment as non-receipt of the 2 April, 2008, Office action, and Petitioner included a copy of the docket sheet, but no calendaring/docket for the due-date as required. Moreover, Petitioner's attention is directed to the guidance in the Commentary at MPEP §711.03(c)(I)) generally to satisfy the mandated showings pursuant to 37 C.F.R. §1.181:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all

> replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]
>
> ***

Thus, as indicated earlier in this decision (see the italicized discussion immediately before the BACKGROUND and with more particularity the excerpt from the MPEP, above), the guidance in the Commentary at MPEP §711.03(c)(I)) sets forth a particular set of statements that must be provided by Petitioner to satisfy the mandated showings pursuant to 37 C.F.R. §1.181. This Petitioner has failed to do.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

---

1 *See*: MPEP §711.03(c) (I)(A).

2 See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/073,442	03/05/2008	Kenzoh Yoshida	81273(70904)

CONFIRMATION NO. 8045

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

FORMALITIES LETTER

OC000000029157339

Date Mailed: 04/02/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- 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 25,44a-44c,47a-47c,48 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.

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.

/rerry/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/073,442	03/05/2008	Kenzoh Yoshida	81273(70904)

CONFIRMATION NO. 8045

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

ABANDONMENT/TERMINATION LETTER

Date Mailed: 12/04/2008

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on04/02/2008.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);

2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or

3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

/twoldeyes/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS ANGELL
PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

COPY MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Yoshida, et al. :
Application No. 12/073,442 : DECISION
Filed/Deposited:5 March, 2008 :
Attorney Docket No. 81273(70904) :

This is a decision on the petition filed on 15 April, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner's attention is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers mailed on 2 April, 2008 (the 2 April, 2008, Office action), with reply due absent extension of time on or before 2 June, 2008.

The Office mailed a Notice of Abandonment (copy enclosed) on 4 December, 2008.

On 22 December, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 seeking withdrawal of the holding of abandonment and indicating the basis of the averment as non-receipt of the 2 April, 2008, Office action, and Petitioner included a copy of the docket

sheet, but no calendaring/docket for the due-date as required. The petition was dismissed on 6 March 2009.

On 15 April, 2009, Petitioner filed a petition pursuant to 37 C.F.R. §1.181, and made the statements and presented the docketing and calendaring information in support thereof consistent with the requirements in the guidance in the Commentary at MPEP §711.03(c)(I)) generally to satisfy the mandated showings pursuant to 37 C.F.R. §1.181:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

---

[1] *See*: MPEP §711.03(c) (I)(A).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

---

and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required, when it is to be made and how it is to be supported.

It appears that Petitioner has satisfied the showing required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **granted**, and the 4 December 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/073,453	03/05/2008	Jung-tae Park	P58564	8122

7590 06/29/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
06/29/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 06/28/2010 [illegible]
03/06/2008 [illegible]
02 FC:1111 -510.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUL 23 2009

OFFICE OF PETITIONS

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of :
Toshimitsu MUSHA et al. :
Application No. 12/073,462 : DECISION ON PETITION
Filed: March 05, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **0835.1028** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 12, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Toshimitsu Musha, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

COPY MAILED

DEC 0 8 2008

In re Application of
Lee, et al.
Application No.: 12/073,510
Filed: March 6, 2008
Attorney Docket No:2557-000859/US

: ON PETITION

This is regarding the "Letter Responding to the Notice of Incomplete Non-Provisional Application" filed March 21, 2008. The correspondence will be treated a petition under 37 CFR 1.53 to accord the application a filing date of March 6, 2008.

The petition is **granted**.

On March 6, 2008, the above-identified application was filed. On March 17, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because a specification did not accompany the application papers. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on March 21, 2008, applicants filed the present petition and a postcard receipt date-stamped by the Office acknowledging having received fifteen pages of the specification on March 6, 2008, among other items.

Upon review of the record, the specification was not located among the original application papers. The evidence is convincing, however, that the fifteen pages of the specification accompanied the application papers filed on March 6, 2008. Therefore, the application, including the specification, was complete on filing and entitled a filing date of March 6, 2008.

The application file will be directed to the Office of Patent Application Processing for further processing with a filing date of March 6, 2008. The Office of Patent Application Processing will issue a filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/24/2009

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction for Appl. No 12/073,513.: 7,589,554

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? YES

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.

X **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The applicant is correcting a typographical error in the specification. The correction is approved.

/Rexford Barnie/ Art Unit 2819

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,554	03/06/2008	Sung Hoon Kim	1594.1738	8729

7590 01/12/2010

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
01/12/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 01/13/2010 [illegible]
03/07/2008 [illegible]
[illegible] FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

COPY MAILED

JAN 07 2010

In re Application of	:	
LUCAS, Michael et al.	:	
Application No. 12/073,575	:	DECISION ON PETITION
Filed: March 06, 2008	:	TO WITHDRAW
Attorney Docket No. **27211X2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Joshua B. Goldberg on behalf of all attorneys of record who are associated with customer No. 20529. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael Lucas at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MICHAEL LUCAS**
c/o INTELLIGENTZ CORPORATION
510 SOUTH CONGRESS AVE., SUITE 204
AUSTIN, TX 78704

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.
12/073,629	03/07/2008	Dong-Gun Moon	302/112	9989

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	
DICUS, TAMRA	

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/33/2009 0320076436

Credit Card Refund Total: $510.00

A: Exp..: XXXXXXXXXXX1003

Adjustment date: 11/05/2009 NFARMER
03/10/2008 MAHMED1 00000100 12073629
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

JUN 23 2009

OFFICE OF PETITIONS

In re Application of :
Li et al. : DECISION ON PETITION
Application No. 12/073,656 :
Filed: March 7, 2008 :
Atty Docket No. 1021238-000884:

This is in response to the REQUEST TO RESCIND NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g) filed November 24, 2008, requesting that a Notice of Abandonment mailed in the above-identified application be rescinded.

The petition is **DISMISSED AS MOOT**.

A review of the record confirms that a response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed March 27, 2008 was timely filed May 22, 2008. The record supports a conclusion that no Notice of Abandonment or Holding of Abandonment was entered in this application. Thus, there is no Notice of Abandonment to rescind in this application.

Further, a copy of the Notice of Abandonment submitted on petition shows that it was directed to another application of the attorneys of record. That application is in fact abandoned. A petition must be filed in that application in order for the Office to consider withdrawal of the holding of abandonment or revival of the application.

The instant petition is unnecessary as this application is not abandoned.

No fee is required on petition under § 1.181.

This application will be examined in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

OIPE MAR 20
JUN 18 2009
PATENT & TRADEMARK OFFICE

Atty. Dkt. No 028232-0120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gina FISCHER et al.
Title:	CONTROLLED RELEASE SOLID DISPERSIONS
Appl. No.:	12/073,691
Filing Date:	09/23/2002
Examiner:	Unassigned
Art Unit:	1618
Confirmation Number:	1287

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Appl. Processing Division, Customer Correction Branch

Sir:

Attached is a copy of the corrected official Filing Receipt mailed by the PTO on March 10, 2009 in the captioned application.

There is an error with respect to the name of the 5th inventor. The inventor's name should be Christine **Andersen**, not Christine Jensen as shown on the attached Filing Receipt.

Also attached is a copy of the Decision on Petition for Name Change, granting the petition to change the name of the inventor from Christine Jensen to Christine Andersen, due to marriage.

OIPE MAP29
JUN 18 2009
PATENT & TRADEMARK OFFICE

The correction is not due to any error by the Applicants and, accordingly, no fee is due. Issuance of a corrected Filing Receipt is respectfully requested.

Respectfully submitted,

Date Jun 18, 2009 By Courtenay C. Brinckerhoff

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4094
Facsimile: (202) 672-5399

Courtenay C. Brinckerhoff
Attorney for Applicant
Registration No. 37,288

OIPE IAP29 JUN 18 2009 PATENT & TRADEMARK OFFICE

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
12/073,691	03/07/2008	1618	1420	028232-0120	9	1

CONFIRMATION NO. 1287

CORRECTED FILING RECEIPT

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 03/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Gina Fischer, Vaerlose, DENMARK;
Daniel Bar-Shalom, Kokkedal, DENMARK;
Lillian Slot, Virum, DENMARK;
Anne-Marie Lademann, Charlottenlund, DENMARK;
Christine ~~Jensen,~~ Vedbaek, DENMARK;

Assignment For Published Patent Application
EGALET A/S → Andersen

Power of Attorney: The patent practitioners associated with Customer Number 22428

Domestic Priority data as claimed by applicant

This application is a CON of 10/490,170 09/21/2004 ABN
which is a 371 of PCT/DK02/00621 09/23/2002

Foreign Applications

DENMARK PA 2001 01375 09/21/2001
DENMARK PA 2001 01611 10/31/2001
DENMARK PA 2002 01044 07/03/2002

If Required, Foreign Filing License Granted: 04/02/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/073,691**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Controlled release solid dispersions

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OIPE IAP29
JUN 18 2009
PATENT & TRADEMARK OFFICE

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAR 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Fischer et al.	:	
Application No. 12/073691	:	DECISION ON PETITION
Filed: 03/07/2008	:	
Attorney Docket No. 028232-0120	:	

This is a decision on the petition under 37 CFR 1.182, filed, November 14, 2008, to change the name of inventor "Christine Jenson" to — Christine Andersøn --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1618 for examination in due course.

D Wood
Douglas Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Fischer et al. :
Application No. 12/073692 : DECISION ON PETITION
Filed: 03/07/2008 :
Attorney Docket No. 028232-0121 :

This is a decision on the petition under 37 CFR 1.182, filed, November 14, 2008, to change the name of inventor "Christine Jenson" to — Christine Anderson --.

The petition is **GRANTED**.

Office records were previously updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1618 for examination in due course.

D Wood

Douglas Wood
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
12/073,692	03/07/2008	1618	2320	028232-0121	38	1

CONFIRMATION NO. 1299

CORRECTED FILING RECEIPT

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 03/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Gina Fischer, Vaerlose, DENMARK;
Daniel Bar-Shalom, Kokkedal, DENMARK;
Lillian Slot, Virum, DENMARK;
Anne-Marie Lademann, Charlottenlund, DENMARK;
Christine Anderson, Vedbaek, DENMARK;

Assignment For Published Patent Application

EGALET A/S

Power of Attorney: The patent practitioners associated with Customer Number 22428

Domestic Priority data as claimed by applicant

This application is a CON of 10/490,308 06/23/2004 ABN
which is a 371 of PCT/DK2002/000620 09/23/2002

Foreign Applications

DENMARK PA 2001 01377 09/21/2001
DENMARK PA 2002 01044 07/03/2002

If Required, Foreign Filing License Granted: 03/21/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/073,692**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Polymer release system

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE HONG KONG POLTECHNIC UNIVERSITY
1800 DIAGONAL ROAD, SUITE 600/MAILBOX #119
ALEXANDRIA, VA 22314

COPY MAILED

SEP 15 2008

In re Application of :
LEUNG, Wallace Woon-Fong :
Application No. 12/073,722 : DECISION ON PETITION TO
Filed: March 10, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. IP-440A :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is NOT APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "currently leaving employment position of which I was in-house patent attorney" does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE HONG KONG POLYECHNIC UNIVERSITY
1800 DIAGONAL ROAD, SUITE 600
MAILBOX #119
ALEXANDRIA, VA 22314

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :

Wallace Woon-Fong LEUNG :
Application No. 12/073,722 :
Filed: March 10, 2008 :
Attorney Docket No. **IP-440A** :

DECISION ON REQUEST FOR REVOCATION OF POWER OF ATTORNEY

This is a decision on the renewed Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed May 13, 2009.

The request is **NOT APPROVED.**

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because no statement under 3.73(b) was filed. In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on May 13, 2009 does not include one of the above two options.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **THE HONG KONG POLYTECHIC UNIVERSITY**
PARTNERSHIP DEVELOPMENT OFFICE, RM R1007 10/F
SHIRLEY CHAN BUILDING
HUNG HOM KOWLOON, HONG KONG

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

COPY MAILED

SEP 24 2008

OFFICE OF PETITIONS

In re Application of
John Jianhua Liu
Application No. 12/073,723
Filed: March 10, 2008
Attorney Docket No. IP-427A

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 August 21, 2008.

The request is **APPROVED**.

A review of the file record indicates that Robert M. DeWitty : (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Robert M. DeWitty has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address has been changed to that of the first signing inventor.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John Jianhua Liu
The Hong Kong Polytechnic University
Hung Hom
Kowloon, Hong Kong

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/073,723	03/10/2008	John Jianhua Liu	IP-427A

CONFIRMATION NO. 1181

POWER OF ATTORNEY NOTICE

The Hong Kong Polytechnic University
Suite 600
1800 Diagonal Road
Mailbox #119
Alexandria, VA 22314

Date Mailed: 09/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

H. JAY SPIEGEL - H. JAY SPIEGEL & ASSOCIATES
P.O. BOX 11
MOUNT VERNON, VA 22121

COPY MAILED

MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
MILLER III, Harmon B. et al. :
Application No. 12/073,728 : DECISION ON PETITION
Filed: March 10, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **MILLER ZELL-3** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 10, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Harmon B. Miller III attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination to await a reply to the Notice to File Corrected Application Papers (Notice) mailed March 24, 2008. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/073,781	03/10/2008	Kazuya Kato	135532	9492

7590 03/11/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
LI, CE LI

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
03/11/2010	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Appl. Ref: 03/10/2010 [illegible] 0016[illegible]
[illegible] 3224 $510.00 [illegible]

Adjustment date: 03/10/2010 [illegible]
03/11/2008 [illegible] 12073781
[illegible] FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,782	03/10/2008	Kazuya Kato	135533	9959

7590 03/11/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
DAGER, JONATHAN M	

ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
03/11/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 03/11/2010 [illegible]
02 FC:1111 -310.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WANG LAW FIRM, INC.
4989 PEACHTREE PARKWAY,
SUITE 200
NORCROSS GA 30092

MAILED

JUL 15 2010

OFFICE OF PETITIONS

In re Patent No. 7,656,098 :
Issue Date: February 10, 2010 :
Application No. 12/073,799 : DECISION ON PETITION
Filed: March 10, 2008 :
Attorney Docket No. T-001.P035/2091-077AUS :

This is a decision on the petition under 37 CFR 1.182, filed May 28, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

As authorized, the petition fee of $400 was paid by credit card.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735.

Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 756-1556.

A copy of this decision is being sent to the Office of Data Management for issuance of a duplicate Letters Patent..

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Shih-Kun Yeh :
Application No.: 12/073,802 : ON PETITION
Filed: March 10, 2008 :
Attorney Docket No: 7004.125 :

This is in response to the petition under 37 CFR 1.137(b) filed February 12, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

On March 24, 2008, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extensions of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period, and the application became abandoned on May 25, 2008. A Notice of Abandonment was mailed on November 28, 2008.

The fees paid February 12, 2010, are noted.

The address cited on the petition differs from the address of record. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Foo-Jung Tsai
1F No. 1-1 Wang Tzu Street
Chung-Li City
Taoyuang County
Taiwan ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,818	03/11/2008	Yasuhiro Mori	01-1635	2117

7590 07/22/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
TANG, SUIAN	
ART UNIT	PAPER NUMBER
2814	
MAIL DATE	DELIVERY MODE
07/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RECEIVED

DEC 30 2008

OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD
11TH FLOOR
ARLINGTON VA 22203

In re Application of :
Hiromune Wada, et al. :
Application No. 12/073,840 : DECISION GRANTING PETITION
Filed: March 11, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2018-1937 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 3, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2832 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stanley P. Fisher
Reed Smith LLP
Suite 1400
3110 Fairview Park Drive
Falls Church VA 22042-4503

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of:	:	
Yamasaki et al.	:	
Application No. 12/073885	:	DECISION ON
Filing or 371(c) Date: 03/11/2008	:	PETITION
Attorney Docket Number: RENS.0048	:	

This is a decision on the Petition and Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed August 29, 2008. The petition is properly treated under 37 CFR 1.182. Applicant petitions to have page 9 of the specification accorded a filing date of March 11, 2008.

Background

The application was filed on March 11, 2008. However, on August 5, 2008, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") stating that the application had been accorded a filing date, and advising applicants that page 9 of the specification appeared to have been omitted from the application.

The present petition

In response to the Notice, the present petition was filed. In support of the petition, Applicant files a copy of his return-receipt postcard which acknowledges receipt by this Office, inter alia, of 40 pages of specification on March 11, 2008.

Review of the Application File

A review of the application file reveals that this Office received 40 pages of specification on March 11, 2008. The first page of the specification is the title page and is not numbered.

The best evidence of what was filed is Applicant's return receipt postcard. "A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." MPEP § 503.

However, prima facie evidence is evidence sufficient to establish a given fact, and which, if not rebutted or contradicted, will remain sufficient.

Here, the Official record, as well as Applicant's return-receipt postcard, confirm that 40 pages of specification were received in this Office on March 11, 2008.

It noted that the application contains a benefit claim as a continuation of application 10/892,298. Applicant may amend the application based upon the benefit claim in accordance with 37 CFR 1.57(a), to include the inadvertently omitted portion of the specification. The entry of new matter is appropriately addressed by the examiner.

Conclusion

The petition is dismissed.

The application file will be referred to the Office of Initial Patent Examination for further processing with a filing date of March 11, 2008, using the application papers filed on that date.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

MAILED

APR 05 2010

OFFICE OF PETITIONS

In re Application of :
Hiroshi Morita et al :
Application No. 12/073,918 : ON PETITION
Filed: March 12, 2008 :
Attorney Docket No. 062758-0224

This is a decision on the petition, filed April 1, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 15, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OPAP IAP24 JUN 25 2010 PATENT & TRADEMARK OFFICE

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

MAILED

APR 05 2010

OFFICE OF PETITIONS

In re Application of
Hiroshi Morita et al
Application No. 12/073,918
Filed: March 12, 2008
Attorney Docket No. 062758-0224

ON PETITION

This is a decision on the petition, filed April 1, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 15, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 2723210.

This matter is being refered to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

JAN 21 2009

In re Application of :
COLEMAN, Bernard H. :
Application No. 12/073,980 : DECISION ON PETITION
Filed: March 12, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **03229.0039-00000** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 10, 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 attesting that R. Jan Mowill is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

FEB 06 2009

OFFICE OF PETITIONS

In re Application of

MOWILL, R. Jan
Application No. 12/073,980
Filed: March 12, 2008
Attorney Docket No. **03229.0039-00000**

Corrected
DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 10, 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 attesting that R. Jan Mowill is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: April 23, 2008

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

Applicant: Bissonnette et al.
Appl. No.: 12/073,984
Filing Date: March 12, 2008
Title: DEVICES AND METHODS FOR GROWING PLANTS
Attorney Docket No.: 80311-257274
Pub. No.: N/A
Pub. Date: N/A

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on April 17, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 04/23/2008 DTERRY
04/18/2008 INTEFSW 00000244 220261 12073984
300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

COPY MAILED

APR 21 2008

OFFICE OF PETITIONS

In re Application of :

Paul H. QUAN :
Application No. 12/073,989 :
Filed: March 12, 2008 :
Attorney Docket No. **28978.00** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 04, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement of Paul Quan, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing.
This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GORDON K ANDERSON
14632 PACIFIC STREET
TUSTIN CA 92780

COPY MAILED

MAY 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Paul C. Chang	:	
Application No. 12/074,023	:	DECISION ON PETITION
Filed: March 1, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Chang #508	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 3723 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WANG, HARTMANN & GIBBS
1301 DOVE STREET
SUITE 1050
NEWPORT BEACH CA 92660

COPY MAILED

APR 29 2008

OFFICE OF PETITIONS

In re Application of :
Hwang et al. :
Application No. 12/074078 : ON PETITION
Deposited: 02/28/2008 :
Attorney Docket No. D027-1000 :

This is in response to the "PETITION UNDER 37 CFR 1.57(a)" filed on March 27, 2008, requesting that the above-referenced application be accorded a filing date of February 28, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on February 28, 2008. However, on March 24, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of February 28, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to February 28, 2008;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed on March 27, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bo-In Lin
13445 Mandoli Drive
Los Altos Hills CA 94022

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Endo et al. :
Application No. 12/074097 : ON PETITION
Filing or 371(c) Date: 03/01/2008 :
Attorney Docket Number: SQ-0696 :

This Decision is in response to the "Petition to Correct Filing Date," filed August 1, 2008. The petition is properly treated under 37 CFR 1.10(c).

The petition is dismissed.

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 [insert the applicable code section]", and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application.

The present petition

Applicant alleges that the application was deposited in Express Mail service on March 2, 2008. In support of this assertion, Applicant files copies of an Express Mail Receipt date-stamped March 2, 2008 with a Tracking Number EB811146238US; a copy of a postcard receipt the the date stamped March 3, 2008, and Tracking Number EB811146238US, and a copy of the United States Postal Service Track and Confirm for EB811146238US indicating acceptance on March 2, 2008.

Review of the application file

A review of the application file for Attorney Docket Number SQ-0696/Application serial number 12/074,097, reveals that the Utility Patent Application Transmittal Form filed with the application on March 1, 2008 reveals that the Express Mail Mailing Label placed thereon is EB589787103US, and not EB811146238US.

Applicable Law, Rules and MPEP

The applicable rule, 37 CFR § 1.10, Filing of correspondence by "Express Mail", provides that

(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

Section (c) of 37 CFR 1.10 provides that

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Analysis and conclusion

The Express Mail Mailing Label placed on the Utility Patent Application Transmittal Form filed for Attorney Docket Number SQ-0696/Application serial number 12/074,097 is EB589787103US. The copy of the Express Mail Mailing Label filed with the petition, and for Attorney Docket number SQ-0696, is EB811146238US. Applicant has thus failed to comply

with 37 CFR 1.10(d)(2), and demonstrate that the number of the Express Mail mailing label was placed on the original application papers filed March 1, 2008.

The petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Parakulam, Gopalakrishnan R.	:	DECISION ON PETITION
Application No. 12/074,110	:	TO WITHDRAW
Filed: February 28, 2008	:	FROM RECORD
Attorney Docket No. 10730.0002-00	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 1, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40, concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

(1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;

(2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

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. The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application.

Accordingly, for the reasons listed above, the request cannot be granted. All future communications from the Office will continue to be directed to above-listed address until otherwise properly notified.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Parakulam, Gopalakrishnan R. :
Application No. 12/074,110 :
Filed: February 28, 2008 :
Attorney Docket No. 10730.0002-00 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The Office will not 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. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address.

Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

MAILED

JUN 24 2010

OFFICE OF PETITIONS

In re Application of
Gopalakrishnan R. Parakulam
Application No. 12/074,110
Filed: February 28, 2008
Attorney Docket No. 43610.4

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 14, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Gary J. Edwards and all attorneys/agents of record has been revoked by the assignee of the patent application on May 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Meyertons, Hood, Kivlin, Kowert &
Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/074,110	02/28/2008	Gopalakrishnan R. Parakulam	43610.4

CONFIRMATION NO. 6133

POWER OF ATTORNEY NOTICE

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

OC00000042237728

Date Mailed: 06/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/074,110	02/28/2008	Gopalakrishnan R. Parakulam	6426-00200	6133

35690 7590 07/16/2010

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER	
MURALIDAR, RICHARD V	
ART UNIT	**PAPER NUMBER**
2858	

NOTIFICATION DATE	DELIVERY MODE
07/16/2010	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):

patent_docketing@intprop.com
ptomhkkg@gmail.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

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of	:	
Gopalakrishnan R. PARAKULAM	:	DECISION ON PETITION
Application No. 12/074,110	:	TO MAKE SPECIAL UNDER
Filed: 28 February 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 6426-00200	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, 01 July 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) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

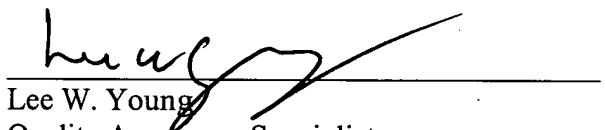
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as materially contributing to the development of renewable energy sources and more efficient utilization and conservation of energy resources. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute the development of renewable energy sources. The claims are directed to a battery charging system and method. The arguments presented in the petition are considered speculation as to how a hypothetical end-user might specially apply the invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

COPY MAILED

MAR 2 4 2008

OFFICE OF PETITIONS

In re Application of :
BELLER, Ray :
Application No. 12/074,125 : DECISION ON PETITION
Filed: February 29, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **BE75-001** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the driver's license of inventor Ray Beller, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARY J. GASKIN
ANNELIN & GASKIN
2170 BUCKTHORNE PL.
SUITE 220
THE WOODLANDS TX 77380

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of :
HEILMAN, William J. et al. :
Application No. 12/074,139 : DECISION ON PETITION
Filed: February 27, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **HD-01** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor William Heilman, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing.
This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Min Ming Tarng, Ph. D.
1367 Glenmoor way
San Jose CA 95129

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of
Tarng, et al.
Application No. 12/074,143
Filed: February 29, 2008
Attorney Docket No. N/A
For: GOLFRING, GOLFRISBEE, GOLF DISC AND GOLF BASKET: SWIVELING CLUB TO LAUNCH FLYING RING AND DISK OR BALL TO PLAY GOLF

: DECISION ON PETITION
: UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed December 31, 2008, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicants' alleged failure to reply within two months to the Notice to File Corrected Application Papers, mailed March 19, 2008, which required applicants to submit replacement drawings of: Figures 1-3H, 9G, 9H, 10D, 11B-D, 12A-12D, 13C, 14B, 17A-D, 20A-D, 21B, 24C, 25B, 26, 30A-C, 36A-D, and 37A-B. The Office contended that this application became abandoned on May 20, 2008. A Notice of Abandonment was mailed on November 21, 2008.

Petitioners assert that a reply was timely mailed via United States Postal Service (USPS) Express Mail Service on March 25, 2008.

In support of this assertion, petitioners have provided a copy of applicants' response to the notice. Amendment A is an amendment to the drawing Figures 1-3H, 9G, 9H, 10D, 11B-D, 12A-12D, 13C, 14B, 17A-D, 20A-D, 21B, 24C, 25B, 26, 30A-C, 36A-D, and 37A-B. Amendment A contains a proper certificate of mailing affixed thereto. It states that the papers were placed in Express Mail service on March 25, 2008 and references Express Mail label no. EB451698295

Paragraph (e) of 37 CFR 1.10 states that:

> Any person mailing correspondence addressed as set out in 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but not received by the Office, may petition the Director to consider such correspondence as filed in the Office on the USPS deposit date, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
>
> (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
>
> (4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed.

This petition fails to satisfy (3) above. Petitioners have not provided a copy of the Express Mail label no. EB451698295 with a date-in of March 25, 2008 or other USPS notation of the March 25, 2008 date. Even if petitioners were to file such evidence, it is noted that the referenced Express Mail label no. on Amendment A is incomplete in that it is missing the last two letters that always follow the numbers. Petitioners did not reference the full Express Mail label number on Amendment A. Therefore, petitioners may not obtain relief under 37 CFR 1.10(e).

Petitioners are strongly urged to reference the **entire** Express Mail label number in any future filed correspondence with the Office.

Fortunately, the defective Rule 10 certification is a proper Rule 1.8(a) certification.

Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

Amendment A bears a proper certificate of mailing, dated March 25, 2008, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. One of the joint inventors executed the certificate of mailing and he had a reasonable basis to expect that the correspondence would be mailed on or before the date indicated.

Accordingly, the petition under 37 CFR 1.181 is **GRANTED** based on the certificate of mailing showing, the holding of abandonment is withdrawn, and the November 21, 2008 Notice of Abandonment is vacated. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be returned to the Office of Patent Application Processing for consideration of the drawings filed on certificate of mailing date March 25, 2008 and resubmitted with the present petition on December 31, 2008.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EZRA SHIMSHI
P.O. BOX 421011
ATLANTA GA 30342

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of :
SHIMSHI, Ezra :
Application No. 12/074,147 : DECISION ON PETITION
Filed: February 29, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Ezra Shimshi passport, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

COPY MAILED

JUN 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Oliver Wang :
Application No. 12/074,152 : ON PETITION
Filed: February 29, 2008 :
Attorney Dkt No. 036878.0122 :
Title: Sling Table :

This is a decision on the petition filed May 14, 2008, requesting in effect, the "Notice of Omitted Item(s)contained in the Notice to File Missing Parts in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of February 29, 2008 including figures 9-13.

The application was filed on February 29, 2008. However, on March 17, 2008, the Office of Patent Application Processing mailed a Notice stating inter alia, that the application had been accorded a filing date of February 22, 2007 but figures 9-13 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 9-13 as described in the specification were filed on February 29, 2008. In support, the petition is accompanied by a copy of applicant's return postcard which lists " Drawing(s): 13 Unique Pages" The petition is further accompanied by a copy of figures 9-13.

Applicants' postcard receipt is prima facie evidence that at least 13 sheets of drawings, including figure 9-13 were received on February 29, 2008. Therefore, it is concluded that thirteen sheets of drawings including figures 9-13 were received on February 29, 2008, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The $400.00 petition fee will be refunded.

The application will be returned to the Office of Patent Application Processing for further processing with a **filing date of February 29, 2008**, using the drawings submitted on February 29, 2008 and copy of figures 9-13 supplied with the petition on May 14, 2008.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROY L. ANERSON, ESQ.
WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BOULEVARD
GLENDALE, CA 91208

COPY MAILED

MAR 2 1 2008

OFFICE OF PETITIONS

In re Application of :
WONG, Jacob Y. :
Application No. 12/074,184 : DECISION ON PETITION
Filed: February 29, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **RLA35.117A** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Jacob Y. Wong, 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

22 JUN 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

Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

In re Application of :
POLAKIEWICZ et al. :
Application No.: 12/074,199 : DECISION
Attorney Docket No.: CST-227 :
For: REAGENTS FOR THE DETECTION OF :
PROTEIN PHOSPHORYLATION IN CARCINOMA :
SIGNALING PATHWAYS :

This decision is in response to applicants' request for corrected filing receipt, which has properly been treated as a petition under 37 CFR 1.181, applicants' petition under 37 CFR 1.137(b), and applicants' petition under 37 CFR 1.78(a)(3), all filed in the United States Patent and Trademark Office (USPTO) 06 January 2009.

BACKGROUND

On 31 August 2006, applicants filed international application PCT/US2006/033991, which designated the United States and claimed a priority date of 31 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 08 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 February 2008.

On 29 February 2008, applicants filed a submission which included, *inter alia*, a transmittal letter, specification, claims, abstract, drawings, and declaration of the inventors.

On 15 April 2008, the USPTO mailed a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b), *Filing Date Granted* requiring, inter alia, replacement drawings because portions of Figures 4-9 were missing and/or blurry.

On 15 October 2008, applicants filed, inter alia, replacement sheets for Figures 4-9.

On 05 November 2008, the USPTO mailed a NOTICE OF INCOMPLETE REPLY

(NONPROVISIONAL), *Filing Date Granted* indicating that the replacement drawing filed 15 October 2008 were not acceptable because portions of Figures 6A, 7A, 8A, and 9A were missing and/or blurry.

On 17 December 2008, the USPTO mailed a NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g) indicating that the application was abandoned for failure to properly reply to the Notice to File Missing Parts mailed 15 April 2008.

On 06 January 2009, applicants filed the instant request for corrected filing receipt, which has properly been treated as a petition under 37 CFR 1.181, petition under 37 CFR 1.137(b), and petition under 37 CFR 1.78(a)(3).

DISCUSSION

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted color drawings of Figures 6A, 7A, 8A, and 9A and a "PETITION TO ACCEPT COLOR DRAWINGS 37 CFR 1.84(a)(2)." These color drawings and petition satisfy the element for the required reply for purposes of pre-exam processing. However, petitions to accept color drawings are decided by the Supervisory Patent Examiner and these color drawings may not be accepted and may add new matter.

As to item (2), applicant submitted the petition fee on 06 January 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Petition Under 37 CFR 1.181

Applicants request that the Filing Receipt be changed to indicate that the instant application is a national stage entry under 35 U.S.C. 371(c) of PCT/US2006/033991.

Conflicting Instructions

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

The transmittal letter filed on 29 February 2008 is titled "REQUEST FOR FILING A NEW NONPROVISIONAL APPLICATION UNDER 37 CFR § 1.53(b)" and claims priority under 35 U.S.C. 120 to international application number PCT/US2006/033991 filed 31 August 2006. The preliminary amendment filed 29 August 2008 refers to the "application submitted herewith pursuant to 35 U.S.C. § 371 and claiming the benefit of international application PCT/US06/033991". The transmittal letter and the statement in the preliminary amendment contradict each other. (MPEP 1893.03(a) states, "A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application.") Since applicant gave conflicting instructions, the papers should have been considered as having been filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 29 February 2008 were properly accepted as a submission under 35 U.S.C. 111(a). See also 37 CFR 1.495(g).

Continuing Application

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 12/074,199) and the international application (PCT/US2006/033991) designating the United States were copending on 29 February 2008. However, since this reference was not submitted within the later of four months from the actual filing date of this application or sixteen months from the filing date of the international application (37 CFR 1.78(a)(2)(ii)), applicant may file a petition to accept an unintentionally delayed claim under 37 CFR 1.78(a)(3) for the benefit of the international application.

Applicant is also reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit certified copies of the priority documents. The certified copies of priority documents submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

Petition Under 37 CFR 1.78(a)(3)

The petition under 37 CFR 1.78(a)(3) apparently attempts to add a reference to the specification that the instant application is a national stage entry under 35 U.S.C. 371(c) of PCT/US2006/033991. Such an amendment is inappropriate. First, the application is not a national stage entry under 35 U.S.C. 371, as set forth above. Second, 37 CFR 1.78 does not apply to national stage entries under 35 U.S.C. 371. As noted above under the section "Continuing Application", applicant is entitled to claim benefit under **35 U.S.C. 120** and 365(c) of the filing date of the international application for the common subject matter.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **GRANTED**.

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED**.

For the reasons set forth above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

/Bryan Lin/

Bryan Lin
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration

- 1 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

In re Application of	:
POLAKIEWICZ et al.	:DECISION ON PETITIONS
Application No.: 12/074,199	:UNDER 37 CFR 1.78(a)(3)
Filed: 29 February 2008	: AND 37 CFR 1.78(a)(6)
Attorney Docket No.: CST-227	:

This is a decision on the submission filed 24 November 2009, which has properly been treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

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) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a

question whether the delay was unintentional.

The petition fails to comply with item (1) above.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11. The amendment filed 24 November 2009 fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Accordingly, before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and a substitute amendment[1] which sets forth the relationship of the prior-filed application(s) is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By EFS: Selecting the document description "Petition for review and processing by the PCT Legal Office"

[1] *Note* 37 CFR 1.121

Any questions concerning this matter may be directed to the undersigned at (571) 272-3301.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3301

/Bryan Lin/

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

13 NOV 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

In re Application of:
POLAKIEWICZ, Roberto, et al.
Application No.: 12/074,214
Filing Date: February 29, 2008
Attorney Docket No.: CST-225
For: REAGENTS FOR THE DETECTION OF PROTEIN PHOSPHORYLATION IN LEUKEMIA SIGNALLING PATHWAYS

DECISION

This decision is issued in response to the "Petition For Priority Correction 37 C.F.R. §1.78(a)(3)" and the "Request For Correction To Filing Receipt" filed December 23, 2008. Applicant has submitted the required petition fee.

For the reasons discussed below, applicant's petition is **DISMISSED** without prejudice.

BACKGROUND

On February 29, 2008, applicant filed materials to initiate the present U.S. non-provisional application. The materials were assigned U.S. application number 12/074,214 and were treated as a new application filed under 35 U.S.C. 111(a).

The materials filed by applicant on February 29, 2008 included a transmittal letter specifically identifying the submission as a "new nonprovisional application under 37 C.F.R. §1.53(b)." The transmittal letter and declaration also indicated that priority to prior-filed international application PCT/US06/34126 was claimed under 35 U.S.C. §120, and the first line of the specification stated that the application "claims the benefit of, and priority to, PCT serial number PCT/US06/034126, filed August 30, 2006."

On April 30, 2008, the USPTO issued a filing receipt herein. The filing receipt did not include any priority claims.

On November 12, 2008, an updated filing receipt was issued. The updated filing receipt did not include any priority claims.

On December 23, 2008, applicant filed the "Petition For Priority Correction 37 C.F.R. §1.78(a)(3)" and the "Request For Correction To Filing Receipt" considered herein. These materials request that the priority information herein be corrected to identify the present application as a national stage of PCT/US2006/034126 filed under 35 U.S.C. 371. It is noted that applicant's December 23, 2008 submission indicates that it includes a preliminary amendment; however, the application file includes no such preliminary amendment.

DISCUSSION

A. The application is properly treated as a filing under 35 U.S.C. 111(a), not a national stage application filed under 35 U.S.C. 371

The present submission requests that the present application be treated as the U.S. national stage filed under 35 U.S.C. 371 of PCT/US2006/034126; however, the materials filed by applicant to initiate the present application did not identify the submission as a national stage filing under 35 U.S.C. 371.

37 CFR 1.495(g) states the following regarding national stage submissions:

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, MPEP section 1893.03(a) states that if "there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a)."

In the present case, applicants original application materials were not identified as a national stage application filed under 35 U.S.C. 371. Rather, applicants submitted the application using a transmittal letter that specifically identified the submission as a "new nonprovisional application under 37 C.F.R. §1.53(b)." This instruction is not consistent with the intention to file a national stage application under 35 U.S.C. 371.

Based on the above, the present application is properly treated as an application filed under 35 U.S.C. 111(a). Applicant's present request that the application be treated as a national stage application filed under 35 U.S.C. 371 is therefore appropriately dismissed.

B. Petition Under 37 CFR 1.78(a)(3)

37 CFR 1.78(a)(3) applies where, as here, an applicant seeks to add a delayed claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed international application designating the United States. Accordingly, the present petition is properly considered under 37 CFR 1.78(a)(3).

A petition for acceptance of a delayed claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) .

The present non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A grantable petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17; 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 present petition fails to comply with item (1) above.

37 CFR 1.78(a)(2)(i) requires that any non-provisional application claiming the benefit of a prior-filed international application must be amended to contain, or accompanied by an ADS containing, a reference to the prior-filed international application identifying it by "international application number and international filing date and indicating the relationship of the applications." With respect to "the relationship of the applications" required by 37 CFR 1.78(a)(2)(i), MPEP section 201.11(III)(A) states the following (emphasis added):

> The relationship between the applications is whether the instant application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. An example of a proper benefit claim is "this application is a continuation of prior Application No. ---, filed ---." **A benefit claim that merely states that "this application claims the benefit of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), since the relationship between the applications is not stated.**

Here, the specification as filed included a reference to the international application that was defective for failure to indicate the relationship of the applications, and the present petition was not accompanied by a preliminary amendment or ADS containing the required reference in acceptable form. [1]

Before applicant's petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition under 37 CFR 1.78(a)(3) is required. Any such renewed petition must include an amendment to the first line of the specification or an ADS that contains an acceptable reference to the prior-filed international application and properly sets forth the relationship of the present application to the prior-filed international application.

---

[1] The specification states only that the present application "claims the benefit of and priority to" the international application; it does not indicate whether the present application is a continuation, continuation-in-part, or divisional of the international application.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PCT Legal Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop PCT Legal Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0459 ATTN: Office of PCT Legal Administration
Electronically:	Via EFS-Web

Any questions concerning this matter may be directed to Richard Ross at (571) 272-3296.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
David S. Lawrence, et al :
Application No. 12/074,227 : DECISION GRANTING PETITION
Filed: February 28, 2008 :
Attorney Docket No. 70-001521US :

This is a decision on the petition filed May 30, 2008, requesting that the above-identified application be accorded a filing date of February 28, 2008, instead of the presently accorded date of February 29, 2008.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on February 28, 2008. In support, petitioners provide a copy of the Express Mail label, No. EM 069592197 US, the same Express Mail receipt number referred to in the transmittal letter found in the file. It is noted that, while the "date in" on the copy of the Express Mail label includes an illegible hand written date, it also includes a USPS receipt stamp dated February 28, 2008. A copy of the USPS Track/Confirm record for Express Mail Label No. EM 069592197 US was also provided which corroborates acceptance of the "Express Mail" package in question by the USPS Alameda, CA 94501 on February 28, 2008 at 4:46pm.

In view of the above, the evidence is convincing that the Express Mail package was entrusted to the USPS on February 28, 2008 and that this application is entitled to a filing date of February 28, 2008.

The petition is **GRANTED**. Since the $130 petition fee submitted on May 30, 2008 is not necessary, the fee is being refunded to counsel's deposit account as authorized.

The application is being referred to the Office of Patent Application Processing (OPAP) to correct the filing date to **February 28, 2008** and issue a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SIMONA LEVI-MINZI, PH.D.
GENERAL COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
3 TRASK LANE
DANVERS, MA 01923

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Roberto Polakiewicz, et al. :
Application No. 12/074,228 : DECISION ON PETITIONS
Filed: February 29, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. CST-228 : AND UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 23, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Additionally, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 or 37 CFR 1.76(b)(5)) to correct the above matters are required.

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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 11 2010

OFFICE OF PETITIONS

NANCY CHIU WILKER, PH.D.
CHIEF INTELLECTUAL PROPERTY COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
3 TRASK LANE
DANVERS, MA 01923

In re Application of	:	
Roberto Polakiewicz, et al.	:	DECISION ON PETITION
Application No. 12/074,228	:	UNDER 37 CFR 1.78(a)(3) AND
Filed: February 29, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. CST-228	:	

This is a decision on the renewed petition, filed January 15, 2010, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The 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 CFR 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.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1643 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed applications.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/074,228	02/29/2008	1643	1150	CST-228	22	3

CONFIRMATION NO. 7569

CORRECTED FILING RECEIPT

31012
Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers, MA 01923

Date Mailed: 03/05/2010

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)

Roberto Polakiewicz, Lexington, MA;
Ailan Guo, Burlington, MA;
Albrecht Moritz, Salem, MA;
Klarisa Rikova, Reading, MA;
Kimberly Lee, Seattle, WA;
Erik Spek, Cambridge, MA;
Yu Li, Andover, MA;
Charles Farnsworth, Concord, MA;

Assignment For Published Patent Application

CELL SIGNALING TECHNOLGY, INC.

Power of Attorney:

Simona Levi-Minzi--43750
Andrew Warner--56049

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US06/34063 08/31/2006
which claims benefit of 60/712,997 08/31/2005

Foreign Applications

If Required, Foreign Filing License Granted: 04/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/074,228**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Reagents for the detection of protein phosphorylation in carcinoma signaling pathways

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GOODWIN PROCTER LLP
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025

MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Lukas C. Amler, et al. :
Application No. 12/074,229 : ON PETITION
Filed: March 1, 2008 :
Attorney Docket No. GNE-0300US :

This is a decision on the petition under 37 CFR 1.137(b), filed by July 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed November 10, 2008. The Notice set a period for reply of two (2) months and required the statutory basic filing fee, additional claim fees, search fee, examination fee, replacement drawing, an oath or declaration under 37 CFR 1.63 and the surcharge under 37 CFR 1.16(f). A Notice of Abandonment was mailed on July 7, 2009. On July 10, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite filing fees, replacement drawing, $130 surcharge, and a declaration under 37 CFR 1.63; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed July 10, 2009.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROCKEY, DEPKE & LYONS, LLC
SEARS TOWER
SUITE 5450
CHICAGO IL 60606-6306

MAILED

FEB 0 2 2010

OFFICE OF PETITIONS

In re Application of	:	
Smith et al.	:	
Application No. 12/074,349	:	DECISION DISMISSING
Filed: March 4, 2008	:	PETITION UNDER 37 CFR 1.10(e)
Attorney Docket No. 114063.00154	:	

This is a decision on the petition filed October 29, 2009, which is properly treated as a petition under 37 CFR 1.10(e) requesting that the above-identified application be considered as filed on March 3, 2009, despite the apparent non-receipt of the Application by the Office.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to Application No. 12/074,349 with the presently accorded the filing date of March 4, 2008.

37 CFR 1.10(e) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where correspondence deposited as "Express Mail" is never received by the Office.

To be grantable, a petition must:

37 CFR 1.10(e) sets forth procedures for filing a petition to the Director to accord a filing date as of the date of deposit with the USPS, where correspondence deposited as "Express Mail" is never received by the Office. Such a petition should:

(1) be filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing;

(3) include a true copy of the originally deposited correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in" or other official notation entered by the USPS; and

(4) include a statement, signed by the person who deposited the documents as "Express Mail" with the USPS, setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying the petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

This petition lacks the item (3) above.

With regards to item (3), the "Express Mail" copy submitted by petitioner is dated March 4, 2008. Specifically, the Date Accepted box shows the date of March 4, 2008. Further, several attempts to access the details concerning the Track and Confirm EH 005800095 US Express Mail number submitted by petitioner were unsuccessful. Petitioner may wish to contact the USPS concerning the March 4, 2008 mailing date in order to acquire corroborating evidence. Accordingly, petitioner may then submit that information to the Office.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(571) 273-8300
Attn: Office of Petitions

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Kathleen A. Lyons
Rockey, Depke & Lyons LLC
233 S. Wacker Drive, Suite 5450
Chicago, Illinois 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: December 12, 2008

The Plevy Law Firm
10 Rutgers Place
Trenton NJ 08618

Applicant: Feinbloom et al.
Appl. No.: 12/074,370
Filing Date: March 3, 2008
Title: ILUMINATING HEADLAMP PROVIDING SUBSTANTIALLY UNIFORM ILLUMINATION
Attorney Docket No.: DVI-39-NP
Pub. No.: US 2008/0239707 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 November 26, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a). The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 12/15/2008 KKING1
11/26/2008 HLE333 00000038 504490 12074370
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/074,390	03/04/2008	Inna Kozlov	08125/RPM	7851

1933 7590 06/16/2010

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
MACKOWEY, ANTHONY M	
ART UNIT	**PAPER NUMBER**
2624	

MAIL DATE	DELIVERY MODE
06/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16th Floor
New York, NY 10001-7708

MAIL

JUN 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Kozlov, Inna *et al.* :
Serial No.: 12/074,390 : DECISION ON PETITION
Filed: March 4, 2008 : *ACCEPTANCE OF COLOR DRAWINGS*
For: **AUTOMATIC DIGITAL FILM AND VIDEO RESTORATION** :

This is a decision on the petition under 37 CFR §1.84(a)(2) filed March 4, 2008, requesting the acceptance of color drawings.

The petition requests that the color drawings identified in Figures 2, 9, 10, 13, 15 and 16 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 is **GRANTED**.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis, IN 46204

Mail Date: 04/21/2010

Applicant	: Richard H. Bates JR.	: DECISION ON REQUEST FOR
Patent Number	: 7591332	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/074,475	: OF WYETH
Filed	: 03/04/2008	:
		:

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
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.
12/074,511	03/04/2008	Chandrasekaran Venkatachalam	019397-009100US	7739

20350 7590 07/06/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
SOTOMAYOR, JOHN B	
ART UNIT	**PAPER NUMBER**
3662	

MAIL DATE	DELIVERY MODE
07/06/2010	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 DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12074511	3/4/08	VENKATACHALAM ET AL.	019397-009100US

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
THOMAS H.. TARCZA

ART UNIT	PAPER
3662	20100701

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This is decision on the request filed March 4, 2008 to waive the requirements of 37 CFR 1.84 (a) so as to permit the application to include color drawings. Applicant has shown the the use of color is an essential element in the representation of the drawings.

Petition Granted.

/Thomas H. Tarcza/.
Supervisory Patent Examiner, Art Unit 3662

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.
12/074,523	03/04/2008	Edwin B. Cox	3867	7763

21834 7590 03/12/2010

BECK AND TYSVER P.L.L.C.
2900 THOMAS AVENUE SOUTH
SUITE 100
MINNEAPOLIS, MN 55416

EXAMINER	
ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
03/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BECK AND TYSVER P.L.L.C.
2900 THOMAS AVENUE SOUTH
SUITE 100
MINNEAPOLIS MN 55416

In re Application of	:	
COX, EDWIN B.	:	DECISION ON PETITION
Application No. 12/074523	:	TO MAKE SPECIAL UNDER
Filed: 03/04/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 3867	:	PILOT PROGRAM

Title: UNGLAZED PHOTOVOLTAIC AND THERMAL APPARATUS AND METHOD

This is a decision on the petition under 37 CFR 1.102, filed 03/02/2010, 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 inquiries concerning this decision should be directed to Timothy S. Thorpe at 571-272-5377.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Timothy S. Thorpe/

Timothy S. Thorpe
Supervisory Patent Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of :
SARGENT, Ronald :
Application No. 12/074,529 : DECISION ON PETITION
Filed: March 04, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **P-2070** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 04, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Ronald Sargent, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SETO PATENTS
406 RIVERLAND DR.
SALEM, VA 24153

COPY MAILED

NOV 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Alan Castro :
Application No. 12/074,530 : ON PETITION
Filed: March 4, 2008 :
Attorney Docket No. CAS-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2008 revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 10, 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 11, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (1) above. While the Office recognizes that the petitioner submitted corrected formal drawings and fees totaling $580 as required by the Notice of April 10, 2008, the fee amount is deficient. Effective October 2, 2008, certain Patent and Trademark Fees were increased, including the present petition fee, basic filing fee, search fee and examination fee. Since any fee amount paid on or after October 2, 2008 must be paid in the new fee amount, a fee deficiency of $70 exists. Accordingly, this application cannot be revived until the $70 balance has been submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALAN CASTRO
269 S. BEVERLY DR., #423
BEVERLY HILLS, CA 90212

COPY MAILED

FEB 26 2009

OFFICE OF PETITIONS

In re Application of :
Alan Castro :
Application No. 12/074,530 : ON PETITION
Filed: March 4, 2008 :
Attorney Docket No. CAS-001 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 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 10, 2008. On October 20, 2008 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed November 18, 2008. In response, on January 14, 2009 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, the basic filing fee, search fee, examination fee and surcharge set forth in 37 CFR 1.16(f); (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSEPH F. URBAN
2550 SPRING RIDGE DR.
BILOXI MI 39531

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
Joseph Francis Urban :
Application No. 12/074,533 : ON PETITION
Filed: April 3, 2008 :
Title: Self Sufficient Electro/Magnet :
Engine Unit

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN BRUCKNER, P.C.
P.O. BOX 490
FLAGSTAFF, AZ 86002

COPY MAILED

DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of :
William B. Dress :
Application No. 12/074,551 : ON PETITION
Filed: March 3, 2008 :
Attorney Docket No. LIGHT1150-1 :

This is a decision on the petition, filed October 6, 2008 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Part of Nonprovisional Application (Notice) mailed March 20, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 21, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The Notice of file Missing Parts of Nonprovisional Application mailed March 20, 2008 lists the Summary of Fees Due. Effective October 2, 2008, the fee(s) changed. Any fee(s) paid on or after October 2, 2008 must be paid at the revised rate. Accordingly, this petition can not be revive until the revised balance is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN BRUCKNER, P.C.
P.O. BOX 490
FLAGSTAFF, AZ 86002

COPY MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
William B. Dress :
Application No. 12/074,551 : ON PETITION
Filed: March 3, 2008 :
Attorney Docket No. LIGHT1150-1 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 24, 2009, to revive the above-identified application.

The petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Dirk Hartmann	: DECISION ON REQUEST FOR
Patent Number	: 7661298	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/074,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **155** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Kristie Joyce Bethune	: DECISION ON REQUEST FOR
Patent Number	: 7575906	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/074,598	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/05/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas D. Smith, III	:	
Application No. 12/074,668	:	DECISION ON PETITION
Filed: March 5, 2008	:	
Attorney Docket No. (7242.005)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely and proper manner to the Notice to File Corrected Application Papers (Notice) mailed March 20, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 21, 2008. A Notice of Abandonment was mailed November 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED
SEP 16 2008

In re Application of :
ROBERT M. BERENDA et al. :
Application No. 12/074,684 : DECISION ON PETITION
Filed: March 05, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **070818** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Robert Berenda attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2834 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RG AND ASSOCIATES
1103 TWIN CREEKS
ALLEN TX 75013

COPY MAILED

MAR 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Adamiecki et al. :
Application No. 12/074,692 : DECISION ON PETITION
Filed: March 5, 2008 :
Attorney Docket No. 129279 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed March 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 May 22, 2008. A Notice of Abandonment was mailed November 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steven J. Sarussi
McDonnell Boehnen Hulbert & Berghoff
31st Floor
300 S. Wacker Drive
Chicago IL 60606

COPY MAILED
SEP 25 2008

In re Application of :
Fang, et al. :
Application No. 12/074,696 : DECISION DISMISSING PETITION
Filed: October 12, 2004 :
Attorney Docket No. **01-1693-BB** :

This is a decision on the petition filed May 28, 2008, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of September 24, 2004.

The petition is **dismissed.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.10."

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on September 24, 2004. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV334720906US and a transaction receipt for showing payment for the Express Mail package was made on September 24, 2004.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service. Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label. In accordance with 37 CFR 1.10(c), a successful petition must:

> (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;
>
> 2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and
>
> (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition does not satisfy the requirements of items (1) and (3) above.

As to item (1), petitioner has not established that the petition was filed promptly after petitioner discovered that the filing date might be incorrect. Petitioner states that the petition was filed promptly after petitioner discovered the filing date accorded was incorrect. Petitioner must explain when petitioner discovered that the application had been accorded an incorrect filing date and what steps were taken to ensure the petition was promptly filed.

As to item (3), the "date-in" of the Express Mail label provided with the petition is illegible. It is request that petition provide a legible copy of the same or a copy of the "Track and Confirm" printout from the United States Postal Service website showing that Express Mail package EV334720906US was deposited on September 24, 2004.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions 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

Steven J. Sarussi
McDonnell Boehnen Hulbert & Berghoff
31st Floor
300 S. Wacker Drive
Chicago IL 60606

COPY MAILED

NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Fang, et al. :
Application No. 12/074,696 : DECISION GRANTING PETITION
Filed: September 24, 2004 :
Attorney Docket No. 01-1693-BB :

This is a decision on the petition filed October 7, 2008, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of September 24, 2004, rather than the presently accorded filing date of October 12, 2004.

Petitioner alleges that the application was deposited with the Express Mail Service on September 24, 2006. In support of the allegation, the petition is accompanied by a copy of the Express Mail tracking sheet with a tracking number EV334720906US showing a "date-in" of September 24, 2004. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on September 24, 2004.

In view of the above, the petition is granted. The new filing date for the above-cited application is September 24, 2004.

The Office of Patent Application Processing will further process the application with a filing date of September 24, 2004, and issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571)272-3222.

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

C & C KOHLBECK REVOCABLE TRUST
CYRIL D. KOHLBECK, TRUSTEE
1121 APRIL LANE
GREEN BAY WI 54304

COPY MAILED

NOV 2 6 2008

In re Application of :
KOHLBECK, Cyril D. :
Application No. 12/074,724 : DECISION ON PETITION
Filed: March 06, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Cyril D. Kohlbeck, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J. Bruce Hoofnagle
P.O. Box 370
Lisbon, MD 21765-0370

COPY MAILED

DEC 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Joseph A. Sniadach	:	
Application No. 12/074,736	:	DECISION ON PETITION
Filed: March 6, 2008	:	
Attorney Docket No. 0035US-JAS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 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 May 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a oath or declaration and surcharge filed December 15, 2008, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAXINE BARASCH & ASSOCIATES, PLLC
18 CORPORATE WOODS BOULEVARD
ALBANY NY 12211

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of

MILLEN, Ernest W.
Application No. 12/074,769
Filed: March 06, 2008
Attorney Docket No. **CP-104**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), March 06, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Ernest Millen, driver's license attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing.
This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Paralegal Specialist
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.
12/074,787	03/05/2008	N. Bruce Moore	60805/W277	9029

23363 7590 06/10/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER	
LEE, EDMUND H	
ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
06/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed: JUN 10 2009

In re application of :
Moore et al. : DECISION ON
Serial No. 12/074,787 : PETITION
Filed: 03/05/2008 :
For: In-Situ Molded Non-Rotating Drill Pipe Protector Assembly

This is a decision on a PETITION filed May 6, 2009, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the Fourth Information Disclosure Statement be expunged. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a) (1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/074,787

The images will be removed from the Official file.

/Gregory L Mills/
Acting Director of Technology Center 1700
Chemical and Materials Engineering

Walter G. Maxwell
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DARCELL WALKER
8107 CARVEL LANE
HOUSTON TX 77036

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of :
Thompson :
Application No. 12/074,808 : ON PETITION
Filed: March 6, 2008 :
Attorney Docket No. BT2008001 :
For: UNIVERSAL PROTECTION COVER CAP FOR A USB PLUG

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 2010, to revive the above-identified application.

This application became abandoned for failure to properly respond to the final Office action mailed May 7, 2009, which set an extendable three month period for reply. Applicant submitted an amendment after final on August 7, 2009. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the August 14, 2009 Advisory action. Accordingly, this application became abandoned on August 8, 2009. It is noted that applicant filed another amendment after final on November 10, 2009, but since it was not accompanied by a petition for a three month extension of time and required fee, it was untimely filed. A Notice of Abandonment was mailed on January 12, 2010.

Applicant has submitted a RCE and $405.00 required fee and an amendment as the submission in reply to the May 7, 2009 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 7, 2009 final Office action, and the $810.00 petition fee.

The petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Technology Center AU 2839 for processing the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted with the RCE.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: DARCELL WALKER
P.O. BOX 25048
HOUSTON, TX 77265

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston MA 02205

COPY MAILED

AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Kitamura, et al. :
Application No. 12/074,816 : ON PETITION
Deposited: March 5, 2008 :
Attorney Docket No. 81353 (303803) :

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a)" filed May 23, 2008, requesting that the above-referenced application be accorded a filing date of March 5, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on March 5, 2008. However, on March 28, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawing on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioners' arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one composition claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicants may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of March 5, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to March 5, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

As stated above, petitioners should consider filing a formal amendment complying with 37 CFR 1.57(a) and 37 CFR 1.121 to include inadvertently omitted Figure 1 from Japanese Patent Application No. 2007-054385, filed March 5, 2007.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
620 Eighth Avenue
NEW YORK, NY 10018

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Peter EMIG, et *al.*	:	
Application No. 12/074,845	:	DECISION DISMISSING PETITION
Filed: March 6, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **103832-417C1**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 16, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Unfortunately, the petitioner's registration number was omitted from the petition request.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. Note 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

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) 273-0025
Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

COPY MAILED

JUL 10 2009

OFFICE OF PETITIONS

In re Application of :
Nathan TRINKLEIN, et al :
Application No. 12/074,856 : DECISION ON PETITION
Filed: March 5, 2008 : TO WITHDRAW
Attorney Docket No. 33102-703.201 : 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 19, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Anavelys Ortiz-Suarez on behalf of the attorneys of record associated with Customer No. 21971.

The attorneys of record associated with Customer No. 21971 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SWITCHGEAR GENOMICS,
THE QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
2033 CLEMENT AVE., #200
ALAMEDA, CA 94501

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

MAILED

APR 02 2010

OFFICE OF PETITIONS

In re Application of :
Polakiewicz et al. :
Application No. 12/074876 :
Filing or 371(c) Date: 03/06/2008 :
Attorney Docket Number: :
CST-229 : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed December 23, 2008.

This Petition is hereby **dismissed as moot**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 15, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed replies in the form of Replacement Drawings on June 16, 2008 and October 9, 2008 respectively; however, the replies were incomplete. Notices of Incomplete Reply (Nonprovisional), were mailed on July 9, 2008 and October 29, 2008 respectively. No complete and proper response having been received, the application became abandoned October 30, 2008. A Notice of Abandonment was mailed December 17, 2008.

Applicant files the present petition and reply to the Notice, along with a petition to accept color drawings.

Office records

A review of Office records reveals that the Notices of Incomplete Reply (Nonprovisional), mailed on July 9, 2008 and October 29, 2008 respectively, were withdrawn by this Office on March 29, 2010, and an Updated Filing Receipt was mailed to applicant.

In view of the foregoing, the present Petition is dismissed as moot.

The petition fee has been refunded to deposit account 50-1774 as authorized in the petition.

The application has been forwarded for classification. Thereafter the application will be forwarded to the Technology Center for a decision on the petition to accept color drawings, and for examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/074,896	03/07/2008	Timothy Gerard Joiner		9623

EXAMINER
FERNSTROM, KURT

ART UNIT	PAPER NUMBER
3711	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

7590 12/03/2008

Timothy G. Joiner
28048 Ziele Creek Dr.
Hayward, CA 94542

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO, OR 97124

COPY MAILED

JUL 21 2008

OFFICE OF PETITIONS

In re Application of :
JOHNSON, Morgan T. :
Application No. 12/074,904 : DECISION ON PETITION
Filed: March 7, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **AISI.P048** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Morgan T. Johnson, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center AU 2811 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/23/2010

Applicant	: Javier R. Movellan	: DECISION ON REQUEST FOR
Patent Number	: 7624076	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/074,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/07/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Charles N.J. Ruggerio
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of	:	
MATHENY and PHILLIPS	:	DECISION ACCORDING STATUS
Application No. 12/074,938	:	UNDER 37 CFR 1.47(a)
Filed: 03/06/2008	:	
Attorney Docket No. 0004742USU	:	
Title: SYSTEM FOR COORDINATING THE PRESENTATION OF DIGITAL CONTENT DATA FEEDS	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 25, 2008. Petitioner obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

The petition under 37 CFR 1.47(a) is **granted**.

On petition, petitioner has established that inventor Phillips has constructively refused to sign the application papers. Specifically, petitioner has stated that a copy of the application papers, a declaration and power of attorney, and an assignment were mailed to Phillips at his last known address on two separate occasions, but as of the date of the petition, no executed declaration has been received.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

The Office notes that petitioner paid a $130.00 fee for filing the present petition. However, the current fee is $200.00. The Office will charge the balance due of $70.00 to the Deposit Account as authorized.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Will Phillips
1605 Patema Rd.
Santa Barbara, CA 93103

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
MATHENY and PHILLIPS :
Application No. 12/074,938 : LETTER
Filed: 03/06/2008 :
Attorney Docket No. 0004742USU :
Title: SYSTEM FOR COORDINATING THE :
PRESENTATION OF DIGITAL CONTENT :
DATA FEEDS :

Dear Mr. Phillips:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor. As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. Requests for information regarding your application should be directed to the File Information Unit at 571- 272-3150. Information regarding how to pay for and order a copy of the application or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Christina T. Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Charles N.J. Ruggerio
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

FEB 05 2009

OFFICE OF PETITIONS

In re Application of :
Michael James Justin et al :
Application No. 12/074,998 : ON PETITION
Filed: March 6, 2008 :
Attorney Docket No. 03-887-US-DIV 2

This is a decision on the petition, filed February 3, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 15, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement previously filed on January 26, 2009.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date : February 5, 2009

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of Application No. 12/074,998

Applicant(s) : Michael James Justin et al
Application No. : 12/074,998
Filed : March 6, 2008

The above-identified application has been assigned Patent No. 7,494,621 and an issue date of February 24, 2009.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of: February 24, 2009.

> "All reference to Patent No. 7,494,621 to Michael James Justin of Missouri for TRANSPORT SYSTEM FOR TEST SAMPLE CARRIER appearing in the Official Gazette of February 24, 2009 should be deleted since no patent was granted."

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd (DMB)
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)
Bradley Harris
Kimberly Terrell
Kay Pinkney
Betty Powell
Lamont Fletcher

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sand & Sebolt
Aegis Tower, Suite 1100
4940 Munson Street, NW
Canton, OH 44718-3615

COPY MAILED

JAN 26 2009

OFFICE OF PETITIONS

In re Application of :
Elizabeth A. White et al. :
Application No. 12/075,000 : DECISION ON PETITION
Filed: March 7, 2008 : TO WITHDRAW
Attorney Docket No. 2465001US1BP : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2008.

The request is **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 Clay H. Cunningham on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed to that of the first signing inventor. The address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Elizabeth A. White
150 N. 600 E.
Fork, UT 84003

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/075,000	03/07/2008	Elizabeth A. White	2465001US1BP

CONFIRMATION NO. 9772

POWER OF ATTORNEY NOTICE

27542
SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

Date Mailed: 01/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 03 2010

OFFICE OF PETITIONS

BATEMAN IP LAW GROUP
P.O. BOX 1319
SALT LAKE CITY UT 84110

In re Application of
Elizabeth A. White et al.
Application No. 12/075,000
Filed: March 7, 2008
Attorney Docket No. 4211.ERGO.C1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 19, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the request does not include a forwarding address.

When filing a renewed request the address change should be that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted to update the application file.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DERGOSITS & NOAH LLP
THREE EMBARCADERO CENTER
SUITE 410
SAN FRANCISCO 94111

MAILED

JUL 0 6 2010

OFFICE OF PETITIONS

In re Application of
Timothy BUSHMAN
Application No. 12/075,006
Filed: March 7, 2008
Docket No. 1093.03

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 15, 2009, which set a shortened statutory period for reply of **three (3) months.** No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

MAILED

APR 2 8 2010

OFFICE OF PETITIONS

In re Application of	:	
Harmon et al.	:	
Application No. 12/075,042	:	ON PETITION
Filed: March 7, 2008	:	
Attorney Docket No. 20030631.ORI	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 12, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that applicant is 65 years of age, and a statement and (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Additionally, it is not apparent whether C.G. Mersereau was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER CO 80301

MAILED

JUL 16 2009

OFFICE OF PETITIONS

Applicant: Nakata
Appl. No.: 12/075,050
Filing Date: March 7, 2008
Title: LIQUID CRYSTAL CONDENSATION OF NUCLEIC ACID (NA) COMPLEXES
Attorney Docket No.: 477112
Pub. No.: 2008/0318329 A1
Pub. Date: December 25, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on February 20, 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 O. Polutta at 571-272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Javier R. Movellan	: DECISION ON REQUEST FOR
Patent Number	: 7587069	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/075,080	: OF WYETH
Filed	: 03/07/2008	:
		:

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 24 2010

OFFICE OF PETITIONS

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

In re Application of	:	
Lawrence et al.	:	DECISION ON PETITION
Application No. 12/075,118	:	TO WITHDRAW
Filed: March 6, 2008	:	FROM RECORD
Attorney Docket: 96700/1357	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Quine Intellectual Property Law Group, P.C. was revoked as power of attorney by the assignee of the patent application on April 5, 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: AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Fung Wing Leung	: DECISION ON REQUEST FOR
Patent Number	: 7638009	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/075,175	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **2** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

Mr. Christopher John Rourk
Jackson Walker LLP
901 Main Street, Suite 6000
DALLAS, TX 75202

Mail Date: 04/21/2010

Applicant	: Seyed-Ali Hajimiri	: DECISION ON REQUEST FOR
Patent Number	: 7646249	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/075,194	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sandra J. Thompson
335 Knoch Knolls Rd.
Naperville IL 60565

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Benoit Portier	:	
Application No. 12/075,327	:	DECISION ON PETITION
Filing Date: March 11, 2008	:	
Attorney Docket No. AIk1US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed October 3, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 4, 2008. The Notice of Abandonment was mailed June 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a new oath/declaration and $130 surcharge; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

This application is being referred to the Office Patent Application Processing for further processing.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK NY 10038

COPY MAILED

JAN 2 1 2009

In re Application of	:	
NAZARIAN, Albert	:	
Application No. 12/075,330	:	DECISION ON PETITION
Filed: March 10, 2008	:	TO WITHDRAW
Attorney Docket No. **17204 B**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 28, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Charles E. Baxley on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Albert Nazarian at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ALBERT NAZARIAN**
23 TRAFALGAR DRIVE
LIVINGSTON, NJ 07638

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

COPY MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Mary A. Clair :
Application No. 12/075,384 : DECISION ON PETITION
Filed: March 12, 2008 : TO WITHDRAW
Attorney Docket No. **MC01-03U** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 15, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kirk Buhler on behalf of all attorneys of record who are associated with the Customer No. 37038.

All attorneys/agents associated with Customer No. 37038 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 Mary A. Clair at the address list below.

There is no outstanding office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Mary A. Clair
P.O. Box 444
Nisswa, MN 56468

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/075,384	03/12/2008	Mary A. Clair	MC01-03U

CONFIRMATION NO. 2962

POWER OF ATTORNEY NOTICE

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

OC000000038455605

Date Mailed: 10/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY
DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

COPY MAILED
JAN 15 2010

In re Application of

Camus, et al.

Application No. 12/075,442

Filed: March 11, 2008

Attorney Docket No. 2006P25512US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed June 24, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on October 14, 2008, after it was believed that no response was received to the Notice to File Corrected Application Papers mailed August 13, 2008. The notice allowed a shortened period for reply of two (2) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a substitute specification to be filed that excluded the claims, and that was accompanied by markings and a clean version. The notice also required that a statement that the substitute specification contained no new matter accompany the substitute specification. A Notice of Abandonment was mailed on April 1, 2009, indicating that a reply to the notice was not received.

By the instant petition, petitioner asserts that a substitute specification, both marked –up and clean versions, along with statement declaring that substitute specification contained no new matter, was of record on March 11, 2008. Further, petitioner asserts that that another copy of the substitute specification was filed on May 21, 2008. It is noted that petitioner also made these assertions in a paper filed in response to the Notice to File Corrected Application Papers on October 3, 2008.

A review of the application file reveals that a substitute specification, both marked–up and clean versions, along with statement declaring that substitute specification contained no new matter, was of record on March 11, 2008. It is also noted that the substitute specification filed March 11, 2008, incorporated all of the changes set forth in the preliminary amendment filed March 11, 2008. Based on the aforementioned, it appears that the application was improperly held abandoned as a substitute specification meeting the requirements set forth by the Notice mailed August 13, 2008, was of record on March 11, 2008. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded to the Office of Patent Application Processing for further review. **The Office of Patent Application Processing attention is called to the substitute specification and other related papers filed March 11, 2008, and again on May 21, 2008.**

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

22 JUN 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

PYLE & PIONTEK, LLC
221 N LASALLE STREET, ROOM 1207
CHICAGO IL 60601

In re Application of	:	
JEROMIN	:	
Application No.: 12/075,579	:	DECISION
Attorney Docket No.: VCR-40002	:	
For: CALIBRATING GAUGE FOR CALIBRATING A VERNIER CALLIPER	:	

This decision is in response to applicant's submissions filed in the United States Patent and Trademark Office (USPTO) 02 September 2008 and 11 December 2008, which together have properly been treated as a petition under 37 CFR 1.181, and in the alternative, as a petition under 37 CFR 1.55(c) and 37 CFR 1.78(a)(3).

BACKGROUND

On 13 September 2006, applicant filed international application PCT/DE2006/001626, which designated the United States and claimed a priority date of 15 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 at midnight on 17 March 2008 (15 March 2008 being a Saturday).

On 12 March 2008, applicant filed a submission which included, *inter alia*, a transmittal letter (Form PTO/SB/05), specification, claims, abstract, drawings, declaration of the inventor, and an Application Data Sheet (ADS).

On 28 March 2008, the USPTO issued a Filing Receipt according the application a filing date of 12 March 2008 and indicating that foreign priority was claimed for benefit of the filing date of 15 September 2005, Application No. DE 20 2005 014 635.8. The Filing Receipt did not refer to international application PCT/DE2006/001626.

On 02 September 2008, applicant filed a petition, which together with the petition filed 11 December 2008, has properly been treated as a petition under 37 CFR 1.181, urging that the instant application should have been treated as a having been filed under 35 U.S.C. 371 rather than as having been filed under 35 U.S.C. 111(a) and, in the alternative, that a petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) (i.e., a petition under 37 CFR

1.55(c)) and a petition to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c)) (i.e., a petition under 37 CFR 1.78(a)(3)) be considered if the petition under 37 CFR 1.181 is denied.

On 11 December 2008, applicant filed a supplemental petition indicating that the claim under 35 U.S.C. 119(a)-(d) appears in the ADS and the declaration filed 12 March 2008 and confirming the previous alternate request under 37 CFR 1.78(a)(3).

DISCUSSION

Petition Under 37 CFR 1.181

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

See also 37 CFR 1.495(g).

The transmittal letter filed on 12 March 2008 is a "UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))." The ADS states that the application "is a National Phase of: PCT/DE2006/001626 filed 13 September 2006." The declaration of the inventor states that the "application is a National Stage of PCT application No. PCT/DE2006/001626 filed 13/09/2006." The ADS and the declaration contradict the request in the transmittal letter to file under 37 CFR 1.53. The transmittal letter used by applicant is to be used only with submissions under 35 U.S.C. 111(a). Since applicant gave conflicting instructions, the papers should have been considered as having been filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 12 March 2008 were properly accepted as a submission under 35 U.S.C. 111(a). See also MPEP 1893.03(a), which states, "A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application."

The petition urges that according to 37 CFR 1.76, the information in the ADS should

control and that the instant application should have been treated under 35 U.S.C. 371. However, 37 CFR 1.76 is silent regarding applications filed under 35 U.S.C. 371 and thus does not control whether the application should be treated under 35 U.S.C. 371.

Alternative Petition Under 37 CFR 1.78(a)(3)

Applicant also petitions alternatively under 37 CFR 1.78(a)(3), filed 02 September 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/DE2006/001626, filed 13 September 2006, set forth in the amendment submitted concurrently with both the petitions filed 02 September 2008 and 11 December 2008.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the above-noted, prior-filed PCT application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Item (1) is satisfied in that a reference to the prior-filed nonprovisional applications 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).

Item (3) is satisfied in that the statement contained in the petition that "any failure to claim priority under 35 USC §12 from the filing date of this application until this submission was unintentional" is construed as 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. If this interpretation is incorrect, petitioner is required to notify the Office immediately.

The petition fails to comply with item (2) above. As of 16 June 2009, Deposit Account 50-4041 did not have sufficient funds for the requisite petition fee. (Page 5 of the submission filed 11 December 2008 contains authorization to charge this Deposit Account.) Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and the petition fee is required.

Alternative Petition Under 37 CFR 1.55(c)

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

> (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
>
> (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);
>
> (3) the surcharge as set forth in 37 CFR 1.17(t);
>
> (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
>
> (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

On 12 March 2008, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. Nevertheless, the priority claim is not valid and the petition under 37 CFR 1.55(c) cannot be granted until a grantable petition under 37 CFR 1.78(a)(3) to intervening prior-filed PCT Application No. PCT/DE2006/001626, filed 13 September 2006, has been filed. For the reasons noted above, the petition under 37 CFR 1.78(a)(3) is not grantable.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED** without prejudice.

For the reasons above, the petition under 37 CFR 1.55(c)) is **DISMISSED** without prejudice.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3301

/Bryan Lin/

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

17 SEP 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

PYLE & PIONTEK, LLC
221 N LASALLE STREET, ROOM 1207
CHICAGO IL 60601

In re Application of	:	
JEROMIN	:	
Application No.: 12/075,579	:	DECISION
Attorney Docket No.: VCR-40002	:	
For: CALIBRATING GAUGE FOR CALIBRATING A VERNIER CALLIPER	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) 08 July 2009, which has properly been treated as a renewed petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c). (Although two submissions filed 08 July 2009 were directed to the wrong application number (a renewed petition and a "Letter to Quash Erroneous Renewed Petition"), the submissions were placed in the instant application. No action on these submissions is necessary.) It is also noted that the Application Data Sheet filed in the instant application on 08 July 2009 contains incorrect information. (It is apparently directed to the same wrong application number as the other two submissions filed 08 July 2009.)

BACKGROUND

On 13 September 2006, applicant filed international application PCT/DE2006/001626, which designated the United States and claimed a priority date of 15 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 at midnight on 17 March 2008 (15 March 2008 being a Saturday).

On 12 March 2008, applicant filed a submission which included, *inter alia*, a transmittal letter (Form PTO/SB/05), specification, claims, abstract, drawings, declaration of the inventor, and an Application Data Sheet (ADS).

On 28 March 2008, the USPTO issued a Filing Receipt according the application a filing date of 12 March 2008 and indicating that foreign priority was claimed for benefit of the filing date of 15 September 2005, Application No. DE 20 2005 014 635.8. The Filing Receipt did not refer to international application PCT/DE2006/001626.

On 02 September 2008, applicant filed a petition, which together with the petition filed 11 December 2008, has properly been treated as a petition under 37 CFR 1.181, urging that the instant application should have been treated as a having been filed under 35 U.S.C. 371 rather than as having been filed under 35 U.S.C. 111(a) and, in the alternative, that a petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) (i.e., a petition under 37 CFR 1.55(c)) and a petition to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c)) (i.e., a petition under 37 CFR 1.78(a)(3)) be considered if the petition under 37 CFR 1.181 is denied.

On 11 December 2008, applicant filed a supplemental petition indicating that the claim under 35 U.S.C. 119(a)-(d) appears in the ADS and the declaration filed 12 March 2008 and confirming the previous alternate request under 37 CFR 1.78(a)(3).

On 22 June 2009, a decision was mailed dismissing without prejudice applicant's petitions under 37 CFR 1.181, 37 CFR 1.78(a)(3), and 37 CFR 1.55(c).

On 08 July 2009, applicant filed the instant renewed petition.

DISCUSSION

Petition Under 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 08 July 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/DE2006/001626, filed 13 September 2006, set forth in the amendments submitted 02 September 2008 and 11 December 2008.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the above-noted, prior-filed PCT application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously

submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Item (1) is satisfied in that a reference to the prior-filed nonprovisional applications 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).

Item (2) is satisfied in that the surcharge was paid on July 8, 2009.

Item (3) is satisfied in that the statement contained in the petition that "the entire delay in filing the required reply, namely the claim to priority from the due date for claiming priority until the filing of a grantable petition under 37 CFR Section 1.137(b) was unintentional" is construed as 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. If this interpretation is incorrect, petitioner is required to notify the Office immediately.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Petition Under 37 CFR 1.55(c)

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

On 12 March 2008, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. As noted in the decision mailed June 22, 2009, the petition under 37 CFR 1.55(c) could not be granted until a grantable petition under 37 CFR 1.78(a)(3) to intervening prior-filed PCT Application No. PCT/DE2006/001626, filed 13 September 2006, had been filed. As noted above, such a grantable petition has now been filed. Accordingly, the petition under 37 CFR 1.55(c) is **GRANTED**.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **GRANTED**.

For the reasons above, the petition under 37 CFR 1.55(c) is **GRANTED**.

Any inquiries concerning this decision may be directed to Daniel Stemmer at (571) 272-3301. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the examiner of Technology Center Art Unit 2856 for appropriate action on the amendment filed September 2, 2008 and December 11, 2008, including

consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3301

/Bryan Lin/

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: MACDONALD et al.
Application No. 12/075593
Filed: March 11, 2008
For: ADVERTISING MANAGEMENT SYSTEM AND METHOD WITH DYNAMIC PRICING

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 28, 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/075,593	03/11/2008	Jonathan MacDonald	07134D/RPM	2934

1933 7590 12/17/2008

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ART UNIT	PAPER NUMBER
2442	

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
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: MACDONALD et al.
Application No. 12/075593
Filed: March 11, 2008
For: ADVERTISING MANAGEMENT SYSTEM AND METHOD WITH DYNAMIC PRICING

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO 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 petition met all the criteria set above.

The request and petition are **GRANTED**. It is noted however that the Claims correspondence table lists claims 65-85 of instant claims being equivalent in scope to claims 20-29 of allowed UK application claims. However, UK application contains only 27 claims. Claims 65-85 of instant application are seen to correspond to claims 18-27 of the allowed UK application claims.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GILBERTO AGUILERA
4690 CALLE DE VIDA
SAN DIEGO CA 92124

COPY MAILED

DEC 19 2008

OFFICE OF PETITIONS

In re Application of :
Gilberto Aguilera :
Application No. 12/075,601 : ON PETITION
Filed: March 13, 2008 :
Title of Invention: POKER CRAPS AND MAXI POKER

This is a decision on the petition filed November 25, 2008 to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

A Notice to File Missing Parts was mailed March 28, 2008 and set a two month period for reply. A response was filed April 7, 2008 however on April 21, 2008, a Notice of Incomplete Reply was mailed because the response did not include a proper Oath and Replacement Drawings. No new period for reply was set and the Notice of April 28, 2008 advised that the period for reply remained as set forth in the Notice mailed March 28, 2008. A subsequent response was filed May 1, 2008 and included an Oath and Replacement Drawings.

In response thereof on May 21, 2008 another Notice of Incomplete Reply was mailed noting that while Replacement Drawings had been filed, Figures 5 and 8 were still not compliant. Drawings were again filed on May 30, 2008 although without a certificate of mail and thus the application became abandoned. Accordingly, a Notice of Abandonment was mailed.

The Notice of Abandonment noted that no response to the March 28, 2008 Notice to File Missing Parts had been filed. The Notice should have advised the applicant that the response filed May 30, 2008 was filed after the period set for reply and did not include a

certificate of mail to show that the response was timely filed, or it should have advised that the response was filed without a proper extension of time.

Irrespective of the reason given for the abandonment, the application is properly abandoned and unfortunately, no sufficient basis for withdrawing the abandonment has been proffered. As indicated above, even though responses have been filed, the application is abandoned because a proper and timely response has not been filed. Accordingly, the Notice of Abandonment mailed November 17, 2008 was appropriate.

In view thereof, the holding of abandonment will not be withdrawn.

Additionally, the drawings filed May 30, 2008 still don't appear to be compliant. There appears to continue to be copy marks on the replacement drawings filed May 30, 2008 that petitioner should review before filing additional copies.

It is understood that petitioner is a pro se applicant, but petitioner is still responsible for the proper prosecution of his application. The format and wording of the papers filed are that of an inexperienced petitioner. In further petitioning, there are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to properly prosecute the application before the Office. The services of a registered attorney or agent to help the petitioner understand the requirements for responding to the office action as well as the petitioning process are recommended, although not required.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[1] or 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

[2]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application

may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GILBERTO AGUILERA
4690 CALLE DE VIDA
SAN DIEGO CA 92124

COPY MAILED

FEB 0 5 2009

OFFICE OF PETITIONS

In re Application of
Gilberto Aguilera
Application No. 12/075,601
Filed: March 13, 2008
Title of Invention: POKER CRAPS AND MAXI POKER

ON PETITION

This is a decision on the petition filed January 22, 2009 under 37 CFR 1.137(b). [1], to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)".This is **not** a final agency decision.

A Notice to File Missing Parts was mailed March 28, 2008 and set a two month period for reply. A response was filed April 7, 2008 however on April 21, 2008, a Notice of Incomplete Reply was mailed because the response did not include a proper Oath and Replacement Drawings. No new period for reply was set and the Notice of April 28, 2008 advised that the period for reply remained as set forth in the Notice mailed March 28, 2008. A subsequent response was filed May 1, 2008 and included an Oath and Replacement Drawings.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

In response thereof on May 21, 2008 another Notice of Incomplete Reply was mailed noting that while Replacement Drawings had been filed, Figures 5 and 8 were still not compliant. Drawings were again filed on May 30, 2008 although without a certificate of mail and thus the application became abandoned. Accordingly, a Notice of Abandonment was mailed.

The Notice of Abandonment noted that no response to the March 28, 2008 Notice to File Missing Parts had been filed. The Notice should have advised the applicant that the response filed May 30, 2008 was filed after the period set for reply and did not include a certificate of mail to show that the response was timely filed, or it should have advised that the response was filed without a proper extension of time.

A petition to withdraw the holding of abandonment was filed November 25, 2008 and was dismissed in a decision mailed December 19, 2008 because no sufficient basis for withdrawing the abandonment had been proffered. A response had been filed but was not proper or timely.

Comes now petitioner with the instant petition and fee to revive with replacement drawings and a DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76). As petitioner has not provided the office with an Application Data Sheet pursuant to 37 CFR 1.76, the declaration provided is insufficient and thus, the response is still incomplete.

Enclosed please find a DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63). Please resubmit a request for reconsideration with the declaration properly and completely filled in. No additional petition fees are required since the response will be a REQUEST FOR RECONSIDERATION unless the response is not timely filed.

It is understood that petitioner is a pro se applicant, but petitioner is still responsible for the proper prosecution of his application. The format and wording of the papers filed are that of an inexperienced petitioner. In further petitioning, there are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to properly prosecute the application before the Office. The services of a registered attorney or agent to help the petitioner understand the requirements for responding to the office action as well as the petitioning process are recommended, although not required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: FORM PTO/SB/01

Doc Code: OATH

Document Description: Oath or declaration filed

PTO/SB/01 (10-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted With Initial Filing **OR** ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (f)) required)

Attorney Docket Number	
First Named Inventor	
COMPLETE IF KNOWN	
Application Number	
Filing Date	
Art Unit	
Examiner Name	

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

(Title of the Invention)

the application of which

☐ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) ☐ as United States Application Number or PCT International Application Number ☐ and was amended on (MM/DD/YYYY) ☐ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

☐ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, or other intellectual property office in which a foreign application claming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

Claim of Foreign Priority Benefits

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

PTO/SB/01 (10-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	☐ The address associated with Customer Number:		OR ☐	Correspondence address below

Name		
Address		
City	State	ZIP
Country	Telephone	Email

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: *Patent Application Files*. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: *Deposit Accounts and Electronic Funds Transfer Profiles*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:	☐ A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
Inventor's Signature	Date

Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

☐ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GILBERTO AGUILERA
4690 CALLE DE VIDA
SAN DIEGO CA 92124

COPY MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Gilberto Aguilera :
Application No. 12/075,601 : ON PETITION
Filed: March 13, 2008 :
Title of Invention: POKER CRAPS AND MAXI POKER

This is a decision on the renewed petition filed February 13, 2009 under 37 CFR 1.137(b). [1], to revive the above-identified application.

The petition is **GRANTED**.

A Notice to File Missing Parts was mailed March 28, 2008 and set a two month period for reply. A response was filed April 7, 2008 however on April 21, 2008, a Notice of Incomplete Reply was mailed because the response did not include a proper Oath and Replacement Drawings. No new period for reply was set and the Notice of April 28, 2008 advised that the period for reply remained as set forth in the Notice mailed March 28, 2008. A subsequent response was filed May 1, 2008 and included an Oath and Replacement Drawings. In response thereof on May 21, 2008 another Notice of Incomplete Reply was mailed noting that while Replacement Drawings had been filed, Figures 5 and 8 were still not compliant. Drawings were again filed on May 30, 2008 although without a certificate of mail and thus the application became abandoned. Accordingly, a Notice of Abandonment was mailed November 17, 2008.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The Notice of Abandonment noted that no response to the March 28, 2008 Notice to File Missing Parts had been filed. The Notice should have advised the applicant that the response filed May 30, 2008 was filed after the period set for reply and did not include a certificate of mail to show that the response was timely filed, or it should have advised that the response was filed without a proper extension of time.

A petition to withdraw the holding of abandonment was filed November 25, 2008 and was dismissed in a decision mailed December 19, 2008 because no sufficient basis for withdrawing the abandonment had been proffered. A response had been filed but was not proper or timely. A petition to revive with replacement drawings and a DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76) was filed January 22, 2009 but as petitioner had not provided the office with an Application Data Sheet pursuant to 37 CFR 1.76, the declaration provided was insufficient and thus, the response was still incomplete. The petition was dismissed in a decision mailed February 5, 2009.

The filing of an executed declaration with the instant renewed petition 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEONARDO M. GASENDO
11238 LEISURE VILLAGE ELEVEN
CAMARILLO, CA 93012

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

In re Application of :
Leonardo M. GASENDO :
Application No. 12/075,606 :
Filed: March 13, 2008 :
Attorney Docket No. N/A :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed October 02, 2009 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a proper statement by applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ella Colbert at 571-272-6741, or in her absence, the undersigned at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of :
Titi Trandafir :
Application No. 12/075,608 : DECISION ON PETITION
Filed: March 4, 2008 : TO WITHDRAW
Attorney Docket No. 1429-79 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2009 and supplemented on April 9, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The request was signed by David M. Carter on behalf of all attorneys associated with Customer Number 31554. All practitioners of record associated with Customer Number 31554 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee Juvent, Inc., at the address indicated below.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Juvent, Inc.
300 Atrium Drive, Suite 210,
Somerset, NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARLOS FEDER
433 TENNESSEE LANE
PALO ALTO, CA 94306

COPY MAILED

JUN 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Carlos FEDER, et al	:	
Application No. 12/075,609	:	DECISION ON PETITION
Filed: March 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Carlos Feder. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3736 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELECTRO INDUSTRIES/ GAUGETECH
C/O CASELLA & HESPOS, LLP
274 MADISON AVENUE, SUITE 1703
NEW YORK NY 10016

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Spanier et al.	:	
Application No 12/075690	:	DECISION
Filing or 371(c) Date: 03/13/2008	:	ON PETITION
Attorney Docket Number: EI-7	:	

This is a decision on the "Petition Under 37 CFR 1.181 to Reinstate Application and Accept Timely Submission with Incorrect Serial Number," filed April 27, 2009.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed August 6, 2008. The Notice set a two (2) month period for reply. No reply having been received, this application became abandoned on October 7, 2008. A Notice of Abandonment was mailed April 10, 2009.

The present petition

Applicant files the present petition and asserts that a timely response was filed on September 84, 2008, which included a Certificate of Mailing. Applicant avers that a return postcard indicates that the submission was received in this Office on September 8, 2008. Applicant provides that the coversheet filed with the reply transposed two of the digits in the application number.

Office records

A review of Office records reveals that the response was filed in application 12/075960, on September 8, 2008. A further review of the response filed in application 12/075960 on September 8, 2008 reveals that the correct inventor, application filing dater, and title of invention were included on the response.

Conclusion

In view of the above, it is apparent that the response to Notice was filed in this Office on September 8, 2008, and due to errors on the part of Applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

Accordingly, the holding of abandonment is hereby withdrawn.

The application will be referred to the Office of Patent Application Processing for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL COBLENZ
SUITE 325
836 EUCLID AVENUE
LEXINGTON, KY 40502

COPY MAILED

APR 30 2008

OFFICE OF PETITIONS

In re Application of :
Thomas RICHARDS :
Application No. 12/075,717 : DECISION ON PETITION
Filed: March 13, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 07 R 001 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 2861 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

MAR 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
YAMANAKA, SHIGERU, et al.	:	DECISION ON REQUEST TO
Application No. 12/075,729	:	PARTICIPATE IN PATENT
Filed: March 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **08054/LH**	:	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 18, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/075,744
Filed: March 13, 2008
Attorney Docket No. **1574-003PP**

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 09 2010

OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Nils KLEMM :
Application No. 12/075,744 : NOTICE
Patent No. PP19989 :
Filed: March 13, 2008 :
Attorney Docket No. 1574-003PP

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/06/10

TO SPE OF : ART UNIT 2421

SUBJECT : Request for Certificate of Correction for Appl. No.: 12075834 Patent No.: 7523477

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X **Approved**	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

/John W. Miller/ 2421

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 07 2010

OFFICE OF PETITIONS

Nelson Mullins Riley & Scarborough LLP
IP Department
100 North Tryon Street
42nd Floor
Charlotte NC 28202-4000

In re Application of

Charles L. Cunningham

Application No. 12/075,841

Filed: March 14, 2008

Attorney Docket No. 15923/099097 CON

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 9, 2010.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on November 7, 2009, after it was believed that no response was received to the non-final Office action mailed August 7, 2009. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on March 1, 2010, indicating that a reply to the non-final Office action was not received.

Petitioner states that an amendment responsive to the non-final Office action was filed on February 10, 2010, with a request for an extension of time within the third month. Petitioner notes that period for reply to the non-final Office action was extended by the fact that February 7, 2010, was a Sunday and the USPTO was closed February 8, 2010, through February 11, 2010.

Petitioner's argument has been considered and is well taken. Further to this point, it is noted that 1352 OG 147 states, in pertinent part, that:

> In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), from Monday, February 8, 2010, through Thursday, February 11, 2010, the USPTO will consider each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any action or fee due from Monday, February 8, 2010, through Thursday, February 11, 2010 (or the preceding Saturday

> (February 6, 2010) or Sunday (February 7, 2010)) will be considered as timely for the purposes of, e.g., 15 U.S.C. §§ 1051(b), 1058, 1059, 1062(b), 1063, 1064, 1126(d), or 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO is open, that is, Friday, February 12, 2010. 37 C.F.R. §§ 1.7(a) and 2.196.

In view thereof, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being directed to Technology Center, GAU 3727 for further processing.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AHOPELTO et al.
Application No. 12/075853
Filed: March 14, 2008
For: MESSAGING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 21, 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application number 0705651.8.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/075,853	03/14/2008	Timo Ahopelto	07318D2/RPM	4900

1933 7590 12/15/2008

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
CALDWELL, ANDREW T	
ART UNIT	PAPER NUMBER
2442	
MAIL DATE	DELIVERY MODE
12/15/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AHOPELTO et al.
Application No. 12/075853
Filed: March 14, 2008
For: MESSAGING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO 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 petition met all the criteria set above.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

SEP 18 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
ROMPPANEN, TIMO et al.	:	DECISION ON REQUEST TO
Application No. 12/075,856	:	PARTICIPATE IN PATENT
Filed: March 14, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 07701/RPM	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 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 UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be

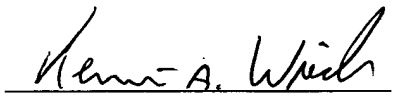
patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

OCT 30 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
ROMPPANEN, TIMO, et al.
Application No. 12/075,856
Filed: March 14, 2008
Attorney Docket No. 07701/RPM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 23, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

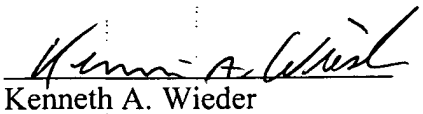
A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AHOPELTO et al.
Application No. 12/075862
Filed: March 14, 2008
For: MESSAGING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/075,862	03/14/2008	Timo Ahopelto	07318D1/RPM	4898

1933 7590 01/20/2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
DHARIA, RUPAL	
ART UNIT	**PAPER NUMBER**
2441	

MAIL DATE	DELIVERY MODE
01/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AHOPELTO et al.
Application No. 12/075862
Filed: March 14, 2008
For: MESSAGING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO 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 petition met all the criteria set above.

The request and petition are **GRANTED**. It is noted however that the Claims correspondence table lists claims 65-85 of instant claims being equivalent in scope to claims 20-29 of allowed UK application claims. However, UK application contains only 27 claims. Claims 65-85 of instant application are seen to correspond to claims 18-27 of the allowed UK application claims.

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.
12/075,874	03/14/2008	Do-Young Kim	P16053-US (SAMS05-16053)	4947

7590 06/02/2010

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER	
FEILD, LYNN DIANA	

ART UNIT	PAPER NUMBER
2400	

NOTIFICATION DATE	DELIVERY MODE
06/02/2010	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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCKENNA MCGOVERN BURKHART
134 NORTH LASALLE STREET
SUITE 2040
CHICAGO, IL 60602

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeff Esterly	:	
Application No. 12/075,876	:	DECISION ON PETITION
Filed: March 14, 2008	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 7, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Anne McGovern Burkhart on behalf of all attorneys of record who are associated with customer No. 50035. All attorneys/agents associated with the Customer Number 50035 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed December 26, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JEFF ESTERLY
3016 CRANSTON AVENUE
ELGIN, IL 60123

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JUN 20 2008

OFFICE OF PETITIONS

Carr & Ferrell, LLP
2200 Geng Road
Palo Alto, CA 94303

In re Application of :
Johnathan Ephraim David Hurwitz :
Application No. 12/075,888 : DECISION ON PETITION
Filed: March 14, 2008 : TO WITHDRAW
Attorney Docket No. PA 3757US : 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 28, 2008.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Brent K. Whitlock and all attorneys/agents associated with customer number 22830 has been revoked by the assignee of the patent application on May 28, 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 Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Peters Verny, LLP
425 Sherman Avenue
Suite 230
Palo Alto, CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/075,888	03/14/2008	Jonathan Ephraim David Hurwitz	PA3757US

CONFIRMATION NO. 4299

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

POWER OF ATTORNEY NOTICE

OC000000030591775

Date Mailed: 06/20/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CADES SCHUTTE A LIMITED LIABILITY LAW PARTNERSHIP
1000 BISHOP STREET
12TH FLOOR
HONOLULU HI 96813

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
HARGROVE, John et al. :
Application No. 12/075,890 : DECISION ON PETITION
Filed: March 14, 2008 : TO WITHDRAW
Attorney Docket No. **2008-2** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Martin Hsia on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JOHN HARGROVE**
1039 HOOMAIKAI STREET
HONOLULU, HI 96813

cc: **STI MEDICAL SYSTEMS, LLC**
IP MANAGER, SCIENCE & TECHNOLOGY INTERNATIONAL
733 BISHOP STREET
SUITE 3100
HONOLULU, HI 96813

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CADES SCHUTTE A LIMITED LIABILITY LAW PARTNERSHIP
1000 BISHOP STREET
12TH FLOOR
HONOLULU HI 96813

COPY MAILED

MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of :
GU, Jia et al. :
Application No. 12/075,910 : DECISION ON PETITION
Filed: March 14, 2008 : TO WITHDRAW
Attorney Docket No. **2008-1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Martin Hsia on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jia Gu at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JIA GU**
733 BISHOP STREET
SUITE 3100
HONOLULU, HI 96813

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Jerry Setliff	: DECISION ON REQUEST FOR
Patent Number	: 7582158	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/075,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

URIARTE LAW
Attn: Stephen R. Uriarte
2021 The Alameda
Suite 225
San Jose CA 95126

MAILED

MAY 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Peter Gefter, et al.	:	
Application No. 12/075,967	:	DECISION GRANTING PETITION
Filed: March 14, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. JM 031708	:	

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 April 19, 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 2836 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jul-08

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

COPY MAILED

JUL 2 9 2008

In re Application of	:	
Angbrant et al.	:	
Application Number: 12/075979	:	DECISION ON PETITION
Filing Date: 03/13/2008	:	
Attorney Docket Number:	:	
67892(54546)	:	

This is a decision on the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND PETITION FOR DATE OF DEPOSIT," filed on June 2, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of March 13, 2008, with Pages 1 and 2 of the specification as a part of the original disclosure.

The petition is **granted**.

The application was filed on March 13, 2008.

Accordingly, on April 2, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice to File Missing Parts of Nonprovisional Application, stating, *inter alia*, that the application had been accorded a filing date of March 13, 2008, but that Pages 1 and 2 of the specification appeared to have been omitted from the application.

In response, on June 2, 2008, the present petition and a copy of, *inter alia*, Pages 1 and 2 of the specification were filed. Petitioner argues that Pages 1 and 2 of the specification were filed with the other application papers on March 13, 2008, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "031308" and the above-identified application number, and identifies the application by the first named inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "Specification excluding claims (84 pages), 32 claims (17

pages)". Petitioner requests that the application, including Pages 1 and 2 of the specification, be accorded a filing date of March 13, 2008.

A review of the record reveals that 99 pages of specification, including Pages 3-84 of written description, and Pages 85-101 containing the 32 claims, were received with the original application papers filed on March 13, 2008. No Pages 1 and 2 of the specification are located among the papers received on that date. However, the evidence is convincing that the application papers deposited on March 13, 2008, included Pages 1 and 2 of the specification, which were subsequently misplaced in the Office. Therefore, the application, including Pages 1 and 2 of the specification, is entitled to a filing date of March 13, 2008.

The Notice to File Missing Parts of Nonprovisional Application mailed on April 2, 2008, is vacated to the extent that it states that Pages 1 and 2 appeared to have been omitted.

In view of the above, the petition is granted. As the petition was not due to an error on the part of petitioner, the petition fee will be credited to counsel's deposit account.

The application will be processed with the copy of Pages 1 and 2 of the specification supplied with the present petition.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of March 13, 2008, using the application papers filed on that date and the copy of Pages 1 and 2 of the specification supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/075986
Filed: March 14, 2008
For: ALLOCATION SYSTEM AND METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application number 0802211.3.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/075,986	03/14/2008	Janne Aaltonen	07299D1/RPM	5133

1933 7590 12/08/2008

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/075,986
Filed: March 14, 2008
For: ALLOCATION SYSTEM AND METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO 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 petition met all the criteria set above.

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
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Jie Luo	:	DECISION ON PETITION
Application No. 12/075,990	:	TO WITHDRAW
Filed: October 25, 2007	:	FROM RECORD
Attorney Docket No. 473938	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on April 19, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

SEP 18 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of :
AALTONEN, JANNE et al. :
Application No. 12/075,998 :
Filed: March 14, 2008 :
Attorney Docket No. 07299/RPM :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 21, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be

patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

DEC 04 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
AALTONEN, JANNE, et al.
Application No. 12/075,998
Filed: March 14, 2008
Attorney Docket No. 07299/RPM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

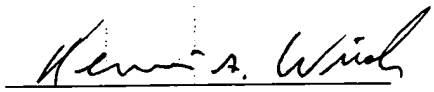
A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/075,999
Filed: March 14, 2008
For: ALLOCATION SYSTEM AND METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application number 0802196.6.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/075,999	03/14/2008	Janne Aaltonen	07299D2/RPM	5082

1933 7590 12/08/2008

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ART UNIT	PAPER NUMBER
2173	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/075,999
Filed: March 14, 2008
For: ALLOCATION SYSTEM AND METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO 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 petition met all the criteria set above.

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
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

COPY MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
YAMADA et al. :
Application No. 12/076,021 : DECISION ON PETITION
Filed: March 13, 2008 :
Attorney Docket No. 01-1636 :

This is a decision on the petition filed July 16, 2009, under the provisions of 37 CFR 1.59(b), to expunge information from the above identified application.

The petition to expunge is **DISMISSED**.

As an initial matter, petitioner should note that while the instant petition states that the information to be expunged - the Supplemental Information Disclosure Statement (IDS) filed on June 11, 2009, and associated papers, was submitted in an incorrect application, all of the identifiers listed on the PTO form 1449 (associated with the IDS filed on June 11, 2009) pertain to the instant application. As such there is no compelling reason to regard the information to be expunged as having been submitted in an incorrect application.

Assuming *arguendo* that the information to be expunged in the instant application was indeed submitted in an incorrect application, the grant of a petition under 37 CFR 1.59 (b) to expunge information submitted in an incorrect application will be governed by the factors: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included. See MPEP 724.05 (III). The instant petition fails to satisfy the factors (B) and (D).

In regard to item (B), the instant petition fails to include a statement that the failure to obtain the return of the material to be expunged would cause irreparable harm to the party who submitted

the information or to the party in interest on whose behalf the information was submitted. As for item (D), the instant petition fails to include any statement that could be construed as a commitment on the part of the petitioner to retain information to be expunged for the period of any patent with regard to which such information is submitted.

In regard to item (E), petitioner should note that the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F above, are satisfied, the information will be removed from the official file.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.**

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

Anthony Knight
Supervisor,
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,022	03/13/2008	Michiyasu Nosaka	12-100	3458

7590 09/25/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
3657	
MAIL DATE	DELIVERY MODE
09/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/25/2009 NFARMER 0015124400
DA#:501147 Name/Number:12076022
FC: 9204 $720.00 CR

Adjustment date: 09/25/2009 NFARMER
03/14/2008 DEMMANU1 00000006 12076022
02 FC:1111 -510.00 OP
04 FC:1201 -210.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,060	03/13/2008	Tatsuya Matsumoto	2018-1831	3030

7590 09/11/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	

ART UNIT	PAPER NUMBER
3753	

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.

Patent Publication Branch
Office of Data Management

Refund Ref: 3033074285
09/11/2009

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX2021

Adjustment date: 09/11/2009 NFARMER
03/14/2008 DEMMANU1 00000044 12076060
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,066	03/13/2008	Osamu Shintani	135458	3222

7590 01/27/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KAMEN, NOAH P

ART UNIT	PAPER NUMBER
3741	

NOTIFICATION DATE	DELIVERY MODE
01/27/2010	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Begin. Ref: 01/28/2010 NFARMER 0015403403
DAH:152461 Name/Number:12076066
FC: 9204 $510.00 CR

Adjustment date: 01/28/2010 NFARMER
03/14/2008 DEMMANU1 00000050 12076066
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

9/22/08

In re Application of:	
TAGAWA, YOSHIO et al	DECISION ON REQUEST TO
Serial No.: 12/076,082	PARTICIPATE IN PATENT
Filed: Mar. 13, 2008	PROSECUTION HIGHWAY
Docket: 1131-0613PUS1	(PPH) AND PETITION TO
Title: EXHAUST PURIFICATION SYSTEM FOR INTERNAL COMBUSTION ENGINE	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 Sep. 15, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and the 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 Henry C. Yuen at 571-272-4856.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER, LLP
300 K STREET NW, SUITE 500
WASHINGTON, DC 20007

COPY MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
Osamu HONMOU, et al. :
Application No. 12/076,092 : DECISION ON PETITION TO
Filed: March 13, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **Q111806** :

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 **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 February 27, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **SUGHRUE MION, PLLC**
2100 PENNSYLVANIA AVENUE NW, SUITE 800
WASHINGTON, DC 20037

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.
12/076,140	03/14/2008	Katsuhiko Tsunehara	ASA-690-06	3597

7590 02/23/2010

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER	
MAUNG, NAY AUNG	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
02/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 23 2010

OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Patent No. 7,569,735
Issue Date: August 4, 2009
Application No. 12/076,150
Filed: March 14, 2008
Attorney Docket No. 053673-0043

DECISION ON PETITION

This is a decision on the Request For Certificate of Correction Under 37 CFR 1.323, filed on August 20, 2009 to correct assignee's name on the PTOL-85B. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was also submitted on August 20, 2009.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct assignee's name on the previously submitted PTOL-85B and that such failure to provide correct assignee's name was inadvertently. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB-44) be issued to correct the assignee's name identified thereon from:

"Takasago International"

to

--Takasago International Corporation--

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 requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) and the requisite $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) was submitted with the Petition. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

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 U.S. Patent No. 7,569,735.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

MAILED

MAR 31 2009

OFFICE OF PETITIONS

In re Application of :
Wei-Liang LEE :
Application No. 12/076,258 : NOTICE
Filed: March 14, 2008 :
Attorney Docket No. BHT/3092-821 :

This is in response to the paper filed February 12, 2009, under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of February 12, 2009 has been made of record and small entity status has been accorded.

The application file is being forwarded to the Office of Patent Application Processing.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Wei-Liang LEE	:	
Application No. 12/076,258	:	DECISION ON PETITION
Filed: March 14, 2008	:	
Attorney Docket No. P13872-US4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received February 12, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

Attorney Docket No. 1901.1276

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jae-young SIM, et. al.

Application No.: To be assigned

Group Art Unit: To be assigned

Filed: March 14, 2008

Examiner: To be assigned

For: APPARATUS AND METHOD FOR MATCHING 2D COLOR IMAGE AND DEPTH IMAGE

PETITION UNDER 37 CFR 1.84(A)(2)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request under 37 C.F.R. §1.84(a)(2) that the Examiner allow the use of the enclosed color versions of FIGS. 3A-3B as it is believed that the color versions improve the understanding of the invention.

The $130.00 petition fee is also enclosed as required by 37 C.F.R. §1.84(a)(2)(i). Three sets of color drawings are enclosed as required by 37 C.F.R. §1.84(a)(2)(ii). One set of black and white drawings is enclosed as required by 37 C.F.R. §1.84(a)(2)(iii).

Should the Petition be granted, it is respectfully requested that the specification be amended as indicated in the attached Preliminary Amendment with Substitute Specification.

If there are any additional fees associated with the filing of this Petition, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date: March 14, 2008

By: _____
Gene M. Garner, II
Registration No. 34,172

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

03/17/2008 NNGUYEN1 00000084 12076279
05 FC:1464 130.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

2/23/09

In re Application of :
TANABE, MIKIO et al :
Application No. 12/076,341 :
Filed: March 17, 2008 :
Attorney Docket No. 1131-0611PUS1 :
For: VARIABLE VALVE TRAIN SYSTEM :
FOR INTERNAL COMBUSTION ENGINE :
MANUFACTURING SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION 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 Feb. 19, 2009, to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 met all conditions except Items #6 above. The request to participate in the PPH pilot program and petition fail to include:

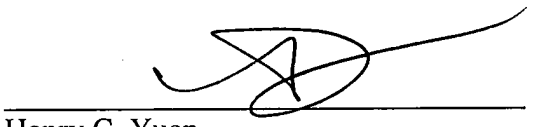
1. An IDS list the references cited in JPO, namely, Unexamined Japanese Patent Publication No. 2004-132515; Unexamined Japanese Patent Publication No. HII-044206 and Unexamined Japanese Patent Publication No. H05-149160 and 2. A copy of the references as stated herein.

However, receipt of the JPO cited references is acknowledged. They are: Uunexamined Japanese Patent Publication No. 2006-070757; Unexamined Japanese Patent Publication No. 2007-002747 and Unexamined Japanese Patent Publication No. 2005-226566

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856..



Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

3/12/09

In re Application of	:	
TANABE, MIKIO et al	:	DECISION ON REQUEST TO
Application No. 12/076,341	:	PARTICIPATE IN PATENT
Filed: March 17, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 1131-0611PUS1	:	PROGRAM AND PETITION
For: VARIABLE VALVE TRAIN SYSTEM	:	37 CFR 1.102(d)
FOR INTERNAL COMBUSTION ENGINE	:	

This is a decision on the reply to the decision on request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 10, 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:

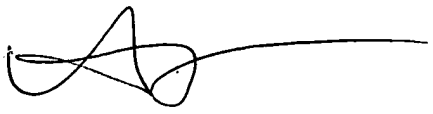
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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) of $130.00.

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS filed on March 10, 2009 is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Thomas Denion, Art Unit 3748, 571-272-4859.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Troxell Law Office, PLLC
Suite 1404
5205 Leesburg Pike
Falls Church, VA 22041

COPY MAILED

MAR 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Wen-Hsien Hsu et al. :
Application No. 12/076,363 :
Filed: March 17, 2008 :
Attorney Docket No. BHT/3092-826 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed April 2, 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 case became abandoned on June 3, 2008. A Notice of Abandonment was mailed on December 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $165 for filing fees, $270 for search fees, $65 surcharge fee, and $110 examination fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

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 February 12, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 10 2010

OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of
David S. Williams
Application No. 12/076,419
Filed: March 18, 2008
Attorney Docket No.: 136342

ON PETITION

This is a decision in response to the petition, filed March 29, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on September 7, 2008 for a failure to reply in a timely manner to an Office communication entitled "Requirement for Statement Under §305(c) of the National Aeronautics and Space Act," mailed August 6, 2008. The communication set a non-extendable period for reply of thirty (30) days from the mail date of the requirement. A Notice of Abandonment was mailed on October 29, 2008. In response, on March 29, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a property rights statement; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3676 for appropriate action by the Examiner in the normal course of business on the reply received March 29, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 09 2010

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of :
Wu, et al. :
Application No.: 12/076,436 : ON PETITION
Filed: March 18, 2008 :
Attorney Docket No: 7004.119 :

This is in response to the petition under 37 CFR 1.137(b) filed February 12, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

On April 10, 2008, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period, and the application became abandoned on June 11, 2008. A Notice of Abandonment was mailed on December 11, 2008.

The fees paid February 12, 2010, are noted.

The address cited on the petition differs from the address of record. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Foo-Jung Tsai
1F No. 1-1 Wang Tzu Street
Chung-Li City
Taoyuang County
Taiwan ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/27/2010

Applicant	: Feng-Chi Eddie Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7583228	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/076,466	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **15** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Po-Chuan Chen	: DECISION ON REQUEST FOR
Patent Number	: 7589677	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/076,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **17** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/076,500	03/19/2008	Akihiro Hasegawa	136403	5803

7590 03/06/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
LOKE, STEVEN HO YIN	

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
03/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 03/06/2009 BPOWELL 0010363400
DHN:150461 Name/Number:12076500
FC: 9204 $510.00 CR

Adjustment date: 03/06/2009 BPOWELL
03/20/2008 MBELETE1 00000062 12076500
02 FC:1111 -510.00 OP

Repln. Ref: 03/06/2009 BPOWELL 0010363400
DA#:150461 Name/Number:12076500
FC: 9204 $510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,509	03/19/2008	Akihiro Hasegawa	136404	5698

7590 04/08/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
FAHMY, WAEL M	

ART UNIT	PAPER NUMBER
2814	

MAIL DATE	DELIVERY MODE
04/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 04/09/2009 BPOWELL
03/20/2008 MBELETE1 00000053 12076509
02 FC:1111 -510.00 OP

Adjustment Date: 04/08/2009 BPOWELL
01/08/2009 INTEFSW 00002599 040100 12041335
02 FC:1504 303.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,603	03/20/2008	Koichi Hasegawa	136383	6221

7590 11/03/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
KING, BRADLEY T	

ART UNIT	PAPER NUMBER
3657	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Repin. Ref: 11/04/2009 BPOWELL 0014060000
DAN:150461 Name/Number:12076603
FC: 9204 $510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Ralph A. Dowell of
DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria VA 22314

COPY MAILED
DEC 22 2008

In re Application of :
Paita et al. : ON PETITION
Application No. 12/076,657 :
Filed: March 20, 2008 :
Attorney Docket No. 16319 :

This is in response to the RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION-FILING DATE NOT GRANTED, filed June 2, 2008, which is properly considered as a petition under § 1.53(e)(2). Petitioner requests that the above-identified application be accorded a filing date of March 20, 2008.

The petition is **DISMISSED** without prejudice to reconsideration upon the submission of the drawings as originally filed on March 20, 2008.

Any request for reconsideration must be filed within **TWO MONTHS** from the mailing date of this decision to be considered timely. This period is governed by 37 CFR 1.181(f) and is not extendable.

Application papers in the above-identified application were deposited on March 20, 2008. However, on April 4, 2008, the Office of Patent Application Processing mailed applicant a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicant was thereby notified that the application papers had not been accorded a filing date because the application was deposited without drawings. (In addition, the Notice required submission of the statutory basic filing fee, application search fee, application examination fee, an executed oath or declaration, the late surcharge and an abstract).

In response, applicant filed the instant petition (and petition fee). (In addition, applicant timely filed the responses to the Notice, the missing fees, declaration and abstract). Petitioner maintains that the application as filed on March 20, 2008 included 6 sheets of informal drawings. In support thereof, petitioner submits a copy of their postcard receipt. However, the petition does not include a copy of the drawings.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on March 20, 2008; 2) it specifically identifies the items being filed, including "6 sheets of drawings (figs 1-7)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted, including 6 sheets of drawings (figs 1-7), were filed on March 20, 2008. Thus, it is concluded that the application papers deposited on March 20, 2008, included 6 sheets of drawings, and thus, was entitled to a filing date of March 20, 2008.

The petition is grantable. However, the petition cannot be granted at this time as the petition does not include a copy of the drawings originally filed in this application. The petition cannot be granted until petitioner submits copies of the drawings as itemized on the postcard.

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 specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Ralph A. Dowell of
DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria VA 22314

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Paita et al. : ON PETITION
Application No. 12/076,657 :
Filed: March 20, 2008 :
Attorney Docket No. 16319 :

This is in response to the RESPONSE TO DISMISSED PETITION filed January 6, 2009, which is properly considered as a petition under § 1.53(e)(2). Petitioner continues to request that the above-identified application be accorded a filing date of March 20, 2008.

Application papers in the above-identified application were deposited on March 20, 2008. In response to the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION mailed April 4, 2008, on June 2, 2008, applicants filed the initial petition. By decision mailed December 19, 2008, the initial petition was dismissed. Applicants submitted *prima facie* evidence in the form of an itemized and date-stamped postcard that drawings were among the papers deposited in this application on March 20, 2008. However, applicants did not resubmit the drawings on petition. Accordingly, the petition was DISMISSED without prejudice to reconsideration upon the submission of the drawings as originally filed on March 20, 2008.

In response, applicant timely filed the instant request for reconsideration with the six sheets of drawings as originally filed.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to the Deposit Account.

The application is being forwarded to the Office of Patent Application Processing for further processing **with a filing date of March 20, 2008** using the application papers received in the Office and presently accorded that date; and the six sheets of drawings re-supplied on renewed petition filed January 6, 2009; and indication in Office records that 6 sheets of drawings were present in the application on filing.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MANELLI DENISON & SELTER
2000 M STREET NW, SUITE 700
WASHINGTON, DC 20036-3307

COPY MAILED

APR 30 2008

OFFICE OF PETITIONS

In re Application of :
Michael NAKHAMKIN :
Application No. 12/076,689 : DECISION ON PETITION
Filed: March 21, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 62-305AIEE-2-DIV : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747

JUL 1 2008

In re Application of	: DECISION ON REQUEST TO
Kuniteru MIHARA et al.	: PARTICIPATE IN PATENT
Application No. 12/076728	: PROSECUTION HIGHWAY
Filed: March 21, 2008	: PILOT PROGRAM AND PETITION
Attorney Docket No. 0234-0561PUS1S	: 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 June 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 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

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.
12/076,734	03/21/2008	Makoto Iwanaka	135562	6978

7590 05/11/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
PANG, ROGER L	

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
05/11/2010	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

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.
12/076,736	03/21/2008	Kenta Kumazaki	136439	6971

25944 7590 06/15/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
STIMPERT, PHILIP EARL	
ART UNIT	**PAPER NUMBER**
3746	

NOTIFICATION DATE	DELIVERY MODE
06/15/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
KUMAZAKI, KENTA et al	:	DECISION ON REQUEST TO
Application No. 12/076,736	:	PARTICIPATE IN PATENT
Filed: March 21, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 136439	:	PROGRAM AND PETITION
For: VEHICULAR OIL PUMP CONTROL APPARATUS	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 11, 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 571-272-4536 for Class 417/53 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

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.
12/076,772	03/21/2008	Hiroki Okada	1000409-000279	8095

7590 09/24/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
MEYER, KATY E	

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
09/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2009 NFARMER
03/24/2008 SZEWDIE1 00000050 024800 12076772
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

COPY MAILED

SEP 26 2008

OFFICE OF PETITIONS

In re Application of :
Fritz Hosel :
Application No. 12/076,775 : DECISION ON PETITION
Filed: March 21, 2008 : PURSUANT TO 37 C.F.R.
Attorney Docket No.: 32368-255959 : § 1.182
Title: APPARATUS FOR MONITORING AND SECURING DANGER ZONES ON POWER-DRIVEN TEXTILE MACHINES :

This is a decision on the petition filed September 11, 2008, requesting that the above-identified application, including page 15 of the specification, be accorded a filing date of March 21, 2008 as part of the original disclosure.

The application was deposited on March 21, 2008. However, on September 2, 2008, the Office of Data Management mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that page 15 of the specification appeared to have been omitted. The notice set a two-month period for reply.

In response, on September 11, 2008, Petitioner filed the present petition. The petition is further accompanied by, *inter alia*, a copy of page 15 of the specification, along with a copy of Petitioner's postcard receipt acknowledging receipt of "New U.S. Application including 18 pages of spec/claims/abstract" in the United States Patent and Trademark Office (Office) on March 21, 2008. Petitioner has further included a copy of a "Patent Prosecution Receipt of Filing," acknowledging receipt of "New U.S. Application (18 pages of specfication/claims/abstract)" in

the United States Patent and Trademark Office (Office) on March 21, 2008. Petitioner requests that page 15 of the specification be accorded a filing date of March 21, 2008.

It is noted that 14 pages of specification, two pages of claims, and a one-page abstract have been located in the electronic file.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 21, 2008 included page 15 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 15 of the specification, was complete on filing and entitled to a filing date of March 21, 2008 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed September 2, 2008 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the $400.00 petition fee will be refunded to Petitioner's Deposit Account in due course.

The application file is being returned to the Office of Patent Application Processing (OPAP) with a filing date of March 21, 2008, using the original application papers filed on that date, as well as page 15 of the specification submitted on September 11, 2008, and for noting in Office records that this sheet was present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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.
12/076,805	03/24/2008	Yoshio Nakagaki	2018-1949	7764

7590 12/30/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
12/30/2009	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
12/31/2009 [illegible]

Credit Card Refund Totals [illegible]

[illegible]

Adjustment date: 12/31/2009 NFARMER
[illegible] DEHMANJI [illegible] 12076[illegible]
[illegible] -510.00 CP
[illegible] -600.00 CP
[illegible] -1300.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTIN D MOYNIHAN
PRTSI, INC
PO BOX 16446
ARLINGTON VA 22215

COPY MAILED

AUG 05 2008

In re Application of :
Bronstein, et al. :
Application No. 12/076,830 : DECISION ON PETITION
Filed: March 24, 2008 :
Attorney Docket No. 43414 :

This is a decision on the "PETITION UNDER 37 CFR 1.181 TO RETAIN A FILING DATE UNDER 37 CFR 1.53", filed July 10, 2008, which is being treated as a request that the "Notice of Omitted Items" mailed April 16, 2008 be withdrawn.

The petition is **DISMISSED**.

The application was filed on March 24, 2008. However, on April 16, 2008, the Initial Patent Examination Division mailed a "Notice of Omitted Items in a Nonprovisional Application". The Notice informed applicants that the application had been accorded a filing date. However Figure 11L as described in the specification appeared to have been omitted.

In response, applicants filed an amendment to the specification and drawings on June 6, 2008. Applicants explained that Figure 11L was not missing on March 24, 2008, but was mistakenly labeled.

It is obvious from reviewing the amendment filed June 6, 2008 and the instant petition that no drawing was actually missing on March 24, 2008. Rather, the drawing containing Figure 11L was

simply mislabeled as a result of applicants' filing error. However, the "Notice to File Missing Parts of Nonprovisional Application" mailed April 16, 2008 was correct in stating that Figure 11L described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Since the present petition was not necessitated by any error on the part of the Office, the $400 petition fee will not be refunded.

The matter is being forwarded to the Office of Patent Application Processing for further processing with a filing date of March 24, 2008, using the drawings submitted on that date and the replacement drawing sheets filed on June 6, 2008 (containing Figure 11L).

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/076,839	03/24/2008	Shinichi Murata	1602-0227PUS1	7576

2292 7590 03/01/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
CHANG, CHING	

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
03/01/2010	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):

mailroom@bskb.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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
MURATA, SHINICHI	:	DECISION ON REQUEST TO
Application No. 12/076,839	:	PARTICIPATE IN PATENT
Filed: March 24, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 1602-0227PUS1	:	PROGRAM AND PETITION
For: ENGINE EQUIPPED WITH ADJUSTABLE VALVE TIMING MECHANISM	:	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 23, 2010 to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 met all conditions except Item #6 above. The request to participate in the PPH program and petition fail to include:

1. JPO patent publications #05-052240; 2004-183513; 08-042381; 05-039756 and 55-069715. The patent documents were cited in the corresponding JPO Office action of June 17, 2008.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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.
12/076,839	03/24/2008	Shinichi Murata	1602-0227PUS1	7576

2292 7590 03/29/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
CHANG, CHING	
ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
03/29/2010	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):

mailroom@bskb.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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of:
MURATA, SHINICHI
Serial No.: 12/076,839
Filed: March 24, 2008
Docket: 1602-0227PUS1
Title: ENGINE EQUIPPED WITH ADJUSTABLE VALVE TIMING MECHANISM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 25, 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 corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h.

The request to participate in the PPH program and the 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 Henry C. Yuen at 571-272-4856. Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Thomas Denion, Art Unit 3748 at 571-272-4536.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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.
12/076,850	03/24/2008	Nobuhiko Takeda	1000409-000280	8637

7590 09/25/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
LEE, BENJAMIN C	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
09/25/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2009 MFARMER
03/25/2008 SZEWDIE1 00000099 024800 12076850
02 FC:1111 510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,870	03/25/2008	Michiyasu Nosaka	12-099	8423

7590 09/23/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
BINDA, GREGORY JOHN	

ART UNIT	PAPER NUMBER
3679	

MAIL DATE	DELIVERY MODE
09/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 03/24/2009 NFARMER 0014061600
DAN:501147 Name/Number:12076870
FC: 9204 $510.00 CR

Adjustment date: 09/24/2009 NFARMER
03/26/2008 MBELETE1 00000009 12076870
03 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,875	03/25/2008	Takashi ISHIZAKI	01-1686	8624

23400 7590 11/19/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
ABEL JALIL, NEVEEN	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
11/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191

In re Application of: Ishizaki, T.
Application No. 12/076,875
Filed: 03/25/2008
For: Data search method and apparatus for same

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 29, 2009 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VLADIMIR M. KABAKOV
APT. 1201
4600 S. FOUR MILE RUN DRIVE
ARLINGTON, VA 22204

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Vladimir M. Kabakov	:	
Application No. 12/076,881	:	DECISION ON PETITION
Filed: March 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 25, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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 does not include a valid signature of applicant.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing to await a reply the Notice to File Corrected Application Papers (Notice) mailed April 30, 2008. This application will be accorded "special" status once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VLADIMIR M. KABAKOV
APT. 1201
4600 S. FOUR MILE RUN DRIVE
ARLINGTON, CA 22204

COPY MAILED

JUL 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Vladimir M. Kabakov :
Application No. 12/076,881 : DECISION ON PETITION
Filed: March 25, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed May 22, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3691 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stephen R. Greiner, Esquire
GREINER LAW OFFICES, P.C.
Suite 110
6701 Democracy Blvd.
Bethesda MD 20817

COPY MAILED

SEP 26 2008

In re Application of	:	
Robert J. Hebert	:	
Application No. 12/076,883	:	DECISION ON PETITION
Filed: March 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4121.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 25, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement 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 2831 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,902	03/25/2008	Jung-Suk Song	302/088	8183

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 0830976434

Credit Card Refund Total: $510.00

Acct Exp..: XXXXXXXXXXX1005

Adjustment date: 11/05/2009 NFARMER
03/26/2008 NBELETE1 00000041 12076902
03 FC:1111 -510.00 OP

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

APR 24 2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re application of Kozo Fujita et al. Application No. 12/076,915 Filed: March 25, 2008 For: ELECTRIC PARKING BRAKE SYSTEM AND METHOD FOR CONTROLLING THE SAME	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 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 April 22, 2009 with the petition, 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: 04/23/09

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RALPH A. DOWELL OF DOWELL & DOWELL P.C.
2111 EISENHOWER AVE
SUITE 406
ALEXANDRIA VA 22314

COPY MAILED

JAN 14 2009

In re Application of :
BEITELMAN, Leonid S. et al. :
Application No. 12/076,954 : DECISION ON PETITION
Filed: March 25, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **16323** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Leonid Beitelman attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,971	03/26/2008	Kenichi Yanai	01-1664	8803

7590 12/15/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
12/15/2009	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

[illegible]
[illegible]
[illegible]

Adjustment date: 12/15/2009 NFARMER
[illegible] 12076971
03 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

JUL 03 2008

In re Application of	:	
Yokota et al.	:	
Application No. 12/076978	:	ON PETITION
Deposited: 03/26/2008	:	
Attorney Docket No. 07481.0028-01	:	

This is in response to the "PETITION UNDER 37 C.F.R. § 1.57(a) FOR ADDITION OF INADVERTENTLY OMITTED DRAWINGS AND RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" filed on May 13, 2008, requesting that the above-referenced application be accorded a filing date of March 26, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on March 26, 2008. However, on April 25, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained prior benefit claims under 37 CFR 1.55 and 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one composition claim and at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of March 26, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to March 26, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GILDO E. FATO
OFFICE OF LAURENCE M. DUNLAP
SUITE 202B
14047 PETRONELLA DR.
LIBERTYVILLE IL 60048

COPY MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Somberg et al.	:	DECISION ON PETITION
Application No. 12/077,008	:	TO WITHDRAW
Filed: March 17, 2008	:	FROM RECORD
Attorney Docket No. EGS.np15	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2008.

The request is **APPROVED**.

A review of the file record indicates that Gildo Fato: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Gildo Fato has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence of record is accepted as the new correspondence address is that of the first named inventor, indicated below.

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.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOHN C. SOMBERG
210 SO. SAUNDERS RD.
LAKE FOREST, IL 60045

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILAGROS BLANCO
121 VALLEY HILLS DRIVE
BOSTIC, NC 28018

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :
Milagros Blanco :
Application No. 12/077,034 : DECISION ON PETITION
Filed: March 17, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. None : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 27, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3204.

The application is being referred to the Technology Center AU 1791 for further commensurate with this decision.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/077,045
Filed: March 14, 2008
For: INTERACTIVE COMMUNICATIONS SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application number 0716954.3.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue, 16TH Floor
NEW YORK NY 10001-7708

DEC 0 9 2008

In re Application of: AALTONEN et al.
Application No.: 12/077,045
Filed: March 14, 2008

For: **INTERACTIVE COMMUNICATIONS SYSTEM**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The petition is **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 UK IPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the all office actions from each of the UK IPO 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 UK IPO examiner in the UK IPO 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 Ricky Ngo 571-272-3139.

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.

/Ricky Ngo/

_____

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/077089
Filed: March 14, 2008
For: INTERACTIVE COMMUNICATIONS SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH 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 UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/077,089	03/14/2008	Janne Aaltonen	07320D1/RPM	5104

1933 7590 12/15/2008
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
12/15/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/077089
Filed: March 14, 2008
For: INTERACTIVE COMMUNICATIONS SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO 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 UK IPO 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 UK IPO 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 UK IPO examiner in the UK IPO 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 petition met all the criteria set above.

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
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GLEN F. GALLINGER
7420 MILNER DRIVE, SUITE 1000
COLORADO SPRING, CO 80920

COPY MAILED

APR 11 2008

OFFICE OF PETITIONS

In re Application of :
PRICE, Brent A. :
Application No. 12/077,104 :
Filed: March 17, 2008 :
Attorney Docket No. **PICKUP.RCK** :
:

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 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 and drivers license of inventor Brent Adams Price, 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 Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jean Ellis
8939 Oveido Street
San Diego, CA 92129

COPY MAILED

OCT 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard William Worrall, et al.	:	
Application No. 12/077,145	:	DECISION ON PETITION
Filed: March 17, 2008	:	TO WITHDRAW
Attorney Docket No. FF-6	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jean Ellis on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Terra Knights Music, Inc.**
12289 Ragweed Street
San Diego, CA 92129

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/077,145	03/17/2008	Richard William Worrall	FF-6

CONFIRMATION NO. 5680

POWER OF ATTORNEY NOTICE

71123
Jean Ellis
8939 Oveido Street
San Diego, CA 92129

Date Mailed: 10/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MURAMATSU & ASSOCIATES
SUITE 310
114 PACIFICA
IRVINE CA 92618

MAILED

FEB 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Hiroshi YASUDA et al. :
Application No. 12/077,153 : DECISION ON PETITION
Filed: March 17, 2008 :
Attorney Docket No. **OKAMOTO.021AUS** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 12, 2009, which set a shortened statutory period for reply of three (3) months. A request for two (2) months extension of time under the provisions of 37 CFR 1.136(a) was filed on June 23, 2009 with a certificate of mailing dated June 12, 2009. However, as noted in the Notice mailed on August 11, 2009, the request for extension of time failed to include appropriate extension of time fee. Accordingly, the application became abandoned on April 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a previously filed amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of January 12, 2009 is accepted as having been unintentionally delayed.

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 $490 extension of time fee submitted on September 02, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571)272-2783.

This application is being referred to Technology Center AU 2881 for appropriate action on the amendment filed June 23, 2009.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/077,182	03/17/2008	Kenji Kobayashi	4041P-000107	5802

7590 09/22/2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
09/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/24/2009 NFARMER 0013563303
DAV:c00750 Name/Number:12077182
FC: 9234 $510.00 CR

Adjustment date: 09/24/2009 NFARMER
03/19/2008 HLE333 00000003 12077182
02 FC:1111 -510.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 05 2010

OFFICE OF PETITIONS

DOUGLAS MAURICE SHORTRIDGE
4225 SOLANO AVE PMB #737
NAPA CA 94558

In re Application of :
Douglas Maurice Shortridge :
Application No. 12/077,216 : ON PETITION
Filed: March 18, 2008 :
Title: Payroll Processing, :
Certification, Reporting & Project
Management System and Method

This is a decision on the petition to revive under 37 CFR 1.137(a), filed February 1, 2010.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action, mailed February 13, 2009. This Notice set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on May 14, 2009. The Office mailed a Notice of Abandonment on October 13, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.

Petitioner argues that the late submission of a reply was unavoidable, due to the fact that his attorney missed the deadline for responding to the February 13, 2009 Office action, and furthermore misled petitioner about the missed deadline.

Petitioner's argument has been considered, but is not persuasive. The Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicants, and applicants are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); Smith v. Diamond, 209 USPQ 1091, 1093 (D.D.C. 1981). As such, such error can not be characterized as unavoidable within the meaning of 37 C.F.R. § 1.137(a).

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m) (currently $810); 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.

---

[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOUGLAS MAURICE SHORTRIDGE
4225 SOLANO AVE PMB #737
NAPA CA 94558

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Douglas Maurice Shortridge :
Application No. 12/077,216 : ON PETITION
Filed: March 18, 2008 :
Title: Payroll Processing, :
Certification, Reporting & Project
Management System and Method

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 18, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action, mailed February 13, 2009. This Notice set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on May 14, 2009. The Office mailed a Notice of Abandonment on October 13, 2009. Applicant filed a petition to revive under 37 CFR 1.137(a) on February 1, 2010. However, the petition was dismissed in a decision mailed on April 5, 2010.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of an Amendment was previously filed on February 1, 2010.

The application is being forwarded to Group Art Unit 3627 for consideration of the Amendment, filed February 1, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 2, 2009

TO SPE OF : ART UNIT 1661 Anne M. Gronberg

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/077,264 Patent No.: PP19,799 P2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Please see COCIN dated 3-27-2009. The applicant is requesting that the word "NEW" be inserted in front of the printed title.

The request was denied (see COCOUT dated 3-20-2009 and 5-7-2009)

The applicant is explaining that the word "NEW" is describing the species name, so therefor applicant wishes approval of title change to display the proper name of species for plant

Antonia Johnson
Certificates of Correction Branch
[redacted]
703-756-1584

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: New is required in this situation since the type of plant is a "New Guinea Impatiens" plant.

Anne M. Gronberg
SPE

1661
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

COPY MAILED

DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/077,269
Filed: March 10, 2008
Attorney Docket No. **1574-004PP**

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 05 2010

OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Nils KLEMM :
Application No. 12/077,269 : NOTICE
Patent No. PP19810 :
Filed: March 18, 2008 :
Attorney Docket No. **1574-004PP**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

MAILED

APR 02 2009

OFFICE OF PETITIONS

In re Application of :
Robert Hasslberger, et al. :
Application No. 12/077,292 : DECISION ON PETITION
Filed: March 18, 2008 :
Attorney Docket No. 2007P00274 US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed, January 21, 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 9, 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 10, 2008. The Notice of Abandonment was mailed December 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and surcharge of $130 , (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

COPY MAILED

JUL 30 2008

In re Application of	:	
Steven B. Nordstrom	:	
Application No. 12/077,321	:	DECISION DISMISSING
Filed: March 18, 2008	:	PETITION
Attorney Docket No. NCI-071071	:	

This is a decision on the petition under 37 CFR 1.10(d), filed May 12, 2008, requesting that the above-identified application be accorded a filing date of March 17, 2008, rather than the presently accorded date of March 18, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of March 18, 2007.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of

the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on March 17, 2008, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by: a declaration of Michael D. Lake explaining that the above cited application was deposited with a USPS employee after using an Automated Postal Center on March 17, 2008; a copy of a receipt dated March 17, 2008 showing that an Express Mail envelope was deposited for delivery to the USPTO; and a copy of the Express Mail mailing label for Express Mail number EM 133502609 US, which corresponds to the above cited application, having a hand written date in of March 18, 2008.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3).

The receipt dated March 17, 2008 does not show a correlation between the Express Mail envelope deposited on March 17, 2008 and the Express Mail envelope for EM 133502609 US. Accordingly, the record is not clear as to how the receipt and Express Mail mailing label are related. That is, the receipt dated March 17, 2008 could have been for a document that is not related to the present application. The declaration of Michael D. Lake does not clarify the record. Rather, the showing under section 1.10(d) must be corroborated by evidence from the USPS that is not inconclusive. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:

Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Christopher Bottorff at (571) 272-6692.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

COPY MAILED

NOV 1 8 2008

In re Application of
Steven B. Nordstrom
Application No. 12/077,321
Filed: March 18, 2008
Attorney Docket No. NCI-071071

DECISION DISMISSING PETITION

This is a decision on the renewed petition under 37 CFR 1.10(d), filed October 3, 2008, requesting that the above-identified application be accorded a filing date of March 17, 2008, rather than the presently accorded date of March 18, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of March 18, 2007.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of

the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on March 17, 2008, pursuant to the requirements of 37 CFR 1.10. The renewed petition is accompanied by: exhibits A-K that include a copy of a receipt dated March 17, 2008 showing that an Express Mail envelope was deposited for delivery to the USPTO; an electronic time record accounting for work performed in an application on a particular day; email communications between Yolanda Solis and Micheal Lake; a listing of some USPTO records for applications under the responsibility of Customer Number 22876, which is the law firm of Factor & Lake, Ltd.; an American Express transaction summary showing activity by Micheal Lake on March 17, 2008; a Google Desktop listing of activities on a computer on March 17, 2008 and March 18, 2008; a letter from Jody L. Factor of Factor and Lake, Ltd. to applicant Steven Nordstrom dated March 20, 2008; a certificate of mailing asserting that the present application was deposited by express mail on March 17, 2008; a transmittal letter asserting that the present application was filed on March 17, 2008; a copy of the Express Mail mailing label for Express Mail number EM 133502609 US, which corresponds to the above cited application, having a hand written date in of March 18, 2008; and declarations of Micheal D. Lake and Yolanda Solis explaining how the exhibits support a conclusion that the above cited application was deposited with the USPS on March 17, 2008.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3).

The receipt dated March 17, 2008, characterized as exhibit A, does not show a correlation between the Express Mail envelope deposited on March 17, 2008 and the Express Mail envelope for EM 133502609 US. Accordingly, the record is not clear as to how the receipt and Express Mail mailing label are related. That is, the receipt dated March 17, 2008 could have been for a document that is not related to the present application.

The electronic time record, characterized as exhibit B, shows that time related to work performed on the present application was accounted for on March 17, 2008 and does not establish when the application was mailed. As such, this time record is not an acceptable log of when the present application was deposited with the USPS as "Express Mail." The time record shows an entry related to docket Number NCI 07 1071 on 3/17 for 10 hours of work. This entry explains that preparation of this application was

conducted and the application was filed in this time. However, an acceptable log showing when an item was deposited with the USPS as "Express Mail" would include other information that establishes when the item was mailed. As noted above, this would include information such as the "Express Mail" number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. None of this information is present in the time record submitted with the renewed petition, and the information in the time record is insufficient to determine when the present application was deposited with the USPS as "Express Mail." While the time record indicates that the filing of the application was accounted for on March 17th by stating "filing same," the record does not clarify the nature of this filing (e.g. placing into the Factor and Lake in-house binder as discussed at the bottom of page 2 of petitioner's remarks or depositing with the USPS as "Express Mail") or establish a correlation with the items deposited under Express Mail number EM 133502609 US.

According to the declaration of Mr. Lake, an Automatic Postal Center was used to deposit Express Mail Envelope EM 133502609 US, which contained the present application. After completion of the transaction with the Automatic Postal Center, Express Mail Envelope EM 133502609 US was handed to a postal employee and Mr. Lake did not wait for, or receive, a copy of the mail label from Express Mail Envelope EM 133502609 US when it was deposited with the USPS. As noted in section 513.II. of the MPEP, persons dealing indirectly with the employees of the USPS (such as by depositing correspondence via an Automatic Postal Center) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the correct "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using an Automatic Postal Center, but do so at their own risk. Parties who do use Automatic Postal Centers can protect themselves from uncertainty by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Petitioner is encouraged to submit a log of "Express Mail" deposits that conforms to the standards discussed above. Also, any renewed petition should explain when and how the copy of the mail label from Express Mail Envelope EM 133502609 US submitted with the petition and characterized as exhibit K was obtained since Mr. Lake did not wait for, or receive, a copy of the mail label at the time of deposit.

In regard to the email from Ms. Solis to Mr. Lake dated March 18, 2008, characterized as exhibit C, insufficient information is offered to establish when the present application was filed. The communication does not provide any information that would connect it to the present application, such as the attorney docket number or Express Mail number. Also, reference to the declaration of Ms. Solis is necessary to understand the matters being discussed, and the declaration was created more than one business day after the deposit of the present application as "Express Mail."

The listing of some USPTO records, characterized as exhibit D, does not show that the USPS receipt presented as exhibit A could only have been related to the present application. The USPTO records present the filing date of the listed applications. However, numerous correspondences are submitted to the office throughout the prosecution of each of these applications. The receipt of exhibit A could relate to a correspondence submitted through Express Mail that is related to one of the listed applications, such as an amendment in response to an office action, or any other business before the USPTO. Thus, this listing does not support a conclusion that the present application was actually filed on March 17, 2008.

The American Express transaction summary, characterized as exhibit E, does not provide more evidence that the present application was the item mailed on March 17, 2008 than the inconclusive receipt offered as exhibit A. In particular, the summary does not show a correlation between the Express Mail envelope deposited on March 17, 2008 and the Express Mail envelope for EM 133502609 US. Accordingly, this summary is also inconclusive.

In addition, the Google Desktop listing of activities on a computer, characterized as exhibit F, does not show a correlation between the Express Mail envelope deposited on March 17, 2008 and the present application or even what work was completed and on which computer. As a result, this listing fails to clarify when the work noted in exhibit B was performed. Also, since exhibit B does not establish when the application was mailed, the time when the records of exhibit B were created is not relevant.

Exhibits G-J are communications that were created either before the deposit of the present application or more than one day after the deposit. 37 CFR 1.10(d)(3) states that petition must be supported by evidence "from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS." None of exhibits G-J satisfy this requirement and are unacceptable evidence under the regulation. Moreover, the March 17, 2008 filing date cited in these documents may have been based on a mistaken belief that March 17th was the correct date. Therefore, they fail to support the contentions for which they are offered.

Absent proper evidence that the present application was filed March 17, 2008, the filing date remains March 18, 2008 as indicated on the mail label from Express Mail Envelope EM 133502609 US, exhibit K.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(571) 273-8300
Attn: Office of Petitions

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Christopher Bottorff at (571) 272-6692.

/David Bucci/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO, IL 60607

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Steven B. NORSTROM :
Application No. 12/077,321 : DECISION ON PETITION
Filed: March 18, 2008 : TO WITHDRAW
Attorney Docket No. NCI-071071 : 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, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the act noted above at item 1 has been performed.

The request cannot be approved because the withdrawing attorney has not signed the request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: NORDSTROM CONSULTING, INC.
8330 S. MADISON STREET, SUITE 60
BURR RIDGE, IL 60527

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FACTOR & LAKE, LTD.
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO, IL 60607

COPY MAILED

APR 2 0 2009

OFFICE OF PETITIONS

In re Application of
Steven B. NORDSTROM
Application No. 12/077,321
Filed: March 18, 2008
Attorney Docket No. NCI-071071

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael D. Lake on behalf of all the attorneys of record associated with Customer No. 22876.

The attorneys of record associated with Customer No. 22876 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: STEVEN B. NORDSTROM
222 GLENDALE AVENUE
HINSDALE, IL 60521

cc: NORDSTROM CONSULTING, INC.
8330 S. MADISON STREET, SUITE 60
BURR RIDGE, IL 60527

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVEN B. NORDSTROM
222 GLENDALE AVENUE
HINSDALE IL 60521

MAILED

APR 29 2009

OFFICE OF PETITIONS

In re Application of :
Steven B. Nordstrom : DECISION ON PETITION
Application No. 12/077,321 :
Filed: March 18, 2008 :

This is a decision on the renewed petition under 37 CFR 1.10(d), filed January 27, 2009, requesting that the above-identified application be accorded a filing date of March 17, 2008, rather than the presently accorded date of March 18, 2008.

The renewed petition is **DENIED**[1].

BACKGROUND

Late in the evening on March 17, 2008, Mr. Micheal D. Lake (Lake), representative of applicant, allegedly filed the above-identified application at a 24 hour United States Post Office. After seeing that all of the clerks at the clerk stations were busy, Lake chose to deal indirectly with the United States Postal Service (USPS) by using an Automated Postal Center (APC) at the Post Office. An unidentified postal employee behind the clerk's counter, but not at a clerk station, indicated that the envelope would receive the date of March 17, 2008 if the APC was used and agreed that Mr. Lake could hand her the envelope when he was finished with his transaction at the APC.

The APC produced an adhesive label allegedly with the date of March 17, 2008, which was applied on Express Mail Envelope EM 133502609 US, and a sales receipt for the transaction. Express Mail Envelope EM 133502609 US was then handed to the postal employee who previously agreed to accept this envelope. This employee was still behind the clerk's counter, but not at a clerk station, when Lake handed her the envelope.

A sales receipt provided as evidence is dated March 17, 2008 and shows that an Express Mail envelope was deposited for delivery to the USPTO. The sales receipt does not show the Express Mail Number of the envelope so as to establish that the APC sale of March 17, 2008 relates to EM 133502609 US, which is the Express Mail Number associated with above-identified application 12/077,321. No other receipt for the transaction was obtained from the APC or USPS on March 17, 2008. However, a customer copy of the Express Mail label was later mailed

to Lake by the USPS. This copy included Express Mail Number EM 133502609 US with a date accepted of March 18, 2008 at 3:16 PM. Express Mail Envelope EM 133502609 US was delivered to the USPTO on March 19, 2008 and received a filing date of March 18, 2008.

In addition to the sales receipt and customer copy of the Express Mail label, petitioner attempts to make a showing that Express Mail Envelope EM 133502609 US was deposited in the USPS Express Mail service on March 17, 2008 through several declarations by Lake and his assistants explaining the circumstances of the deposit; an electronic time record accounting for work performed in an application on a particular day; email communications between Lake and Yolanda Solis (Solis), a legal assistant with the law firm of Factor & Lake, Ltd.; a listing of some USPTO records for applications under the responsibility of Customer Number 22876, which is the law firm of Factor & Lake, Ltd.; an American Express transaction summary showing activity by Lake on March 17, 2008; a Google Desktop listing of activities on a computer on March 17, 2008 and March 18, 2008; a letter from Jody L. Factor of Factor and Lake, Ltd. to applicant Steven Nordstrom dated March 20, 2008; a certificate of mailing asserting that the present application was deposited by express mail on March 17, 2008; a transmittal letter asserting that the present application was filed on March 17, 2008

The items submitted for the showing have been considered together in their entirety.

STATUTE AND REGULATION

35 U.S.C. § (2)(B)(2) provides, in part, that:

> The Office-- may, establish regulations, not inconsistent with law, which
>
> (A) shall govern for the conduct of proceedings in Office.

35 U.S.C. § 21(a) provides:

> The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

37 C.F.R. § 1.10(d) provides:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

MPEP § 513 II provides, in pertinent part:

... [C]orrespondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk...

... Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(d). Evidence that came into being after deposit and within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log.

MPEP § 513 IV provides, in pertinent part:

The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS

employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
(A) created prior to the deposit of the correspondence as "Express Mail " with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or
(B) created more than one business day after the deposit of the correspondence as "Express Mail " (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail ").

OPINION

The evidence offered by petitioner fails to show that the requested filing date of March 17, 2008 was the date the above-identified application was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Contrary to petitioner's assertion, all of this evidence was considered and reconsidered together in its entirety. While certain items of evidence were addressed individually, the evidence was considered collectively and not separately. Since each item of evidence was presented by petitioner individually, they were addressed individually to logically follow the presented format.

In particular, the showing by petitioner **must** be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. See 37 C.F.R. 1.10(d). However, none of the evidence submitted by petitioner provides such corroboration.

The sales receipt from the APC dated March 17, 2008 is evidence from the USPS, but is inconclusive since it does not show a correlation between the Express Mail envelope deposited on March 17, 2008 and the Express Mail envelope for EM 133502609 US.

The electronic time record is evidence that came into being after the alleged March 17, 2008 deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS, but is not an acceptable log of when the present application was deposited with the USPS as "Express Mail." The time record shows that time related to work performed on the present application was accounted for on March 17, 2008, but is inconclusive as to what work was performed. The time record does not present information such as the "Express Mail" number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the

date and time of entry in the log, which would establish that the work performed on March 17, 2008 involved depositing the above-identified application with the USPS as "Express Mail." The information that would support a record as being an "Express Mail" log is discussed in MPEP § 513 II and clarifies how a petitioner may meet the "satisfaction of the Director" standard set forth in the regulation even after indirectly dealing with employees of the USPS by using an APC. This was presented in the previous dismissal to help explain the decision and was not an admonishment, as suggested by petitioner. Although a record may qualify as a log that would support or corroborate the showing without having all of the information discussed in MPEP § 513 II, the record must have enough information to link an item addressed in the record with a particular item deposited with the USPS as "Express Mail." Such a requirement is not capricious as petitioner contends, but is necessary to effectively manage the numerous papers filed with the Office. Here, the electronic time record provided by petitioner does not have sufficient information to link the work addressed in the record with the deposit of the above-identified application with the "Express Mail" service of the USPS.

Furthermore, the email from Solis to Lake dated March 18, 2008 is evidence that came into being after the alleged March 17, 2008 deposit and within one business day of the alleged deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. However, this email is inconclusive since it does not provide any information that would connect it to the present application, such as the attorney docket number or Express Mail number.

Therefore, the sales receipt, electronic time record, and email from Solis to Lake alone do not corroborate the required showing that the above-identified application was deposited with the Express Mail service of the USPS on March 17, 2008. Rather, petitioner desires to fill the deficiencies in this evidence with other evidence that is either inconclusive or of questionable reliability. The showing places substantial reliance on a hindsight reconstruction of events presented through declarations in conjunction with other evidence that came into being more than one business day after the alleged deposit on March 17, 2008 of the above-identified application with the "Express Mail Post Office to Addressee" service of the USPS. Although this explanation of events describes how the deposit was made with the "Express Mail" service of the USPS on March 17, 2008, it is not reliable since it is not from a disinterested USPS employee or did not come into being contemporaneously with the deposit of the correspondence with the USPS. See MPEP § 513 IV. Also, the March 17, 2008 filing date cited in the documents created prior to the deposit of the correspondence as "Express Mail " with the USPS may have been based on a mistaken belief that March 17th was the correct date. The evidence used to fill the deficiencies in the sales receipt, electronic time record and email from Solis to Lake are not discounted, as petitioner asserts, but are not persuasive. That is, the sales receipt, electronic time record and email from Solis to Lake do not corroborate the required showing, as they must, and the other evidence submitted does not overcome their deficiencies.

In regard to questions of the credibility and probability of the showing, petitioner states:

> "So it appears to boil down to this: what are the odds that Mr. Lake is not being honest versus that the USPS employee to whom Mr. Lake handed Express Mail Envelope EM133502609US made a mistake and put the envelope aside for processing which occurred on the following afternoon?"

However, Lake's veracity is immaterial since the showing **must** be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. The failure to provide such evidence cannot be overcome simply through an attorney's explanation in a declaration. Also, the USPTO maintains a high degree of confidence in the performance of the USPS regardless of petitioner's personal views.

Furthermore, the fees shown on the customer copy of Express Mail label EM133502609US do not link the label to the USPS receipt, as petitioner asserts. The label indicates that $18.35 was paid while the receipt indicates that $18.40 was paid. Petitioner explains the five cent difference by suggesting that a USPS employee incorrectly added the flat rate postage amount of $16.25 and the "Return Receipt" amount of $2.15, which were listed on the receipt, to arrive at the $18.35 indicated on the label. However, this is unsubstantiated conjecture by petitioner. The amount on the label and the amount on the receipt are different. There are numerous possible explanations for the difference and there is no evidence of record that would conclusively explain the difference. Therefore, nothing of record establishes that the fee payment shown on the label links the label to the receipt.

DECISION

Petitioner has failed to meet the burden of proving to the satisfaction of the Director that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Accordingly, the filing date will not be changed and remains March 18, 2008. The petition is **denied.**

The USPTO will not further consider or reconsider this matter.

Any inquiries concerning this communication may be directed to Christopher Bottorff at (571) 272-6692.

Charles Pearson
Director, Office of Petitions
cb/db

[1] This decision may be considered a final agency action within the meaning of 5 U.S.C. § 704 for purposes of obtaining judicial review. See MPEP 1002.02.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/077,381
Filed: March 19, 2008
Attorney Docket No. **1574-005PP**

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Fees Paid	*Large Entity Amount Due*	*Difference – Amount Due*
Filing Fee: $340.00 Filed: **March 19, 2008**	$720.00	$380.00

Please charge any additional fees or credit any overpayment for the filing fee, any extra claims fees, or the surcharge to Deposit Account No. 50-2368.

Enclosed are a copy of Form SB17 and a copy of the original check submitted with the filing of this application.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	ELIZABETH BENNETT-JARVIS, Reg. No. 53,982				
SIGNATURE	/Elizabeth J. Bennett-Jarvis/		*DATE*	September 30, 2009	
ADDRESS	Jondle & Associates, P.C. 858 Happy Canyon Road, Suite 230				
CITY	Castle Rock	*STATE*	CO	*ZIP CODE*	80108
COUNTRY	U.S.A.	*TELEPHONE*	303-799-6444	*FAX*	303-799-6898

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 05 2010

OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Nils KLEMM :
Application No. 12/077,381 : NOTICE
Patent No. PP19819 :
Filed: March 19, 2008 :
Attorney Docket No. **1574-005PP**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James T. Robinson
Exclusivity-Law, Inc.
222 East Main Street
Norman OK 73069-1303

APR 22 2008

In re Application of: Armstrong Larry D.
Application No.: 12/077,416
Filed: March 18, 2008
Title: METHOD AND APPARATUS FOR DETECTING WATER SYSTEM LEAKS AND PREVENTING EXCESSIVE WATER USAGE

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 18, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(c).

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(c) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1, 3 and 4, II: 1 above are considered to have been met. However, the petition fails to comply with conditions I: 2, II: 2-4, and all conditions of sections II: 5 and 6 above.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

The petition is denied because the application was not filed using the Electronic Filing System (EFS) as per requirement I:2 above.

In addition it is noted that applicant failed to comply with any one of the conditions set forth in sections II:2-4 conditions regarding the petition, and all the conditions of sections II:5 pre-examination search, and II:6 accelerated examination support document.

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. It appears that Petitioner filed the petition following procedures that predated the publication of "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (June 26, 2006), a copy of which is attached to this communication.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Jessica Harrison, Special Program Examiner, at (571) 272-4449.

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

DATES: *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7726, or by facsimile at (571) 273–7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to *MPEPFeedback@uspto.gov*, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217–9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. *See* 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. *See* Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) 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. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) 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.

(A) 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.

(B) 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.

(C) 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 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) 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.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) 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.

(B) 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.

(C) 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).

(D) 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).

(E) 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: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) 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, ¶ 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.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108–453, 118 Stat. 3596 (2004)).

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)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If 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 (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. *See* Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL–85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL–85; and (2) not file any post-allowance papers that are not required by the USPTO (*e.g.*, an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (*i.e.*, the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process, the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (*see* 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (*e.g.*, a secrecy order, national security review, interference, or petitions under 37 CFR 1.181–1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information: Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. *See* 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at *http://www.uspto.gov/web/forms/index.html.*

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

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 (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (*e.g.*, an IDS citing new prior art after the mailing of a first Office action). *See* Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651–0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6–10022 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

COPY MAILED

NOV 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul Hedrick	:	
Application No. 12/077,430	:	ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. 0102704.0548507	:	

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.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VertiFlex, Inc.
1351 Calle Avanzado
San Clemente, CA 92673

MAILED

APR 01 2010

OFFICE OF PETITIONS

In re Application of :
Robert Gutierrez, et. al. :
Application No. 12/077,462 : DECISION ON PETITION
Filed: March 19, 2008 : TO WITHDRAW FROM
Attorney Docket No. 65837-8015us : 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 7, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Rimas Lukas and all the attorneys/agents associated with Customer Number 68823 has been revoked by the assignee of the above application on January 15, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW SECOND AVENUE
SUITE 1600
PORTLAND OR 97204-3157

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
KIA, Arash :
Application No. 12/077,490 : DECISION ON PETITION
Filed: March 30, 2008 : TO WITHDRAW
Attorney Docket No. **9111.0001** : 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 15, 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 J. Douglas Wells on behalf of all attorneys of record who are associated with customer No. 00152. All attorneys/agents associated with the Customer Number 00152 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 Arash Kia at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ARASH KIA**
3215 NW CHAPIN DRIVE
PORTLAND OR 97225

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

COPY MAILED

APR 0 2 2009

OFFICE OF PETITIONS

In re Application of :
William W. Y. Chu :
Application No. 12/077,503 : DECISION ON PETITION
Filed: March 18, 2008 : TO WITHDRAW
Attorney Docket No. 019152-001115US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 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 Kent J. Tobin on behalf of all attorneys/agents associated with customer number 20350. All attorneys/agents associated with customer number 20350 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted. Compliance with 37 CFR 3.73(b) has not been met.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: William Chu
1320 Miravalle Avenue
Los Altos, CA 94024

cc: Acquis Technology, Inc.
1621 W. El Camino Real
Suite 202
Mountain View, CA 94040

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/077,503	03/18/2008	William W. Y. Chu	019152-001115US

CONFIRMATION NO. 6264

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000035241174

Date Mailed: 03/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/03/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SYDNEY LEWIS-PICARD
2733 ELKMONT RIDGE SW
ATL GA 30331

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of :
Sydney Lewis-Picard :
Application No. 12/077,521 : DECISION ON PETITION
Filed: March 20, 2008 :
Title: Protective Restraint System For Hand-Held Remote Control Devices :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed April 10, 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 11, 2008. A Notice of Abandonment was mailed December 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a Substitute specification, Replacement drawings, Replacement claims and a Replacement abstract; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Dirk Hartmann	: DECISION ON REQUEST FOR
Patent Number	: 7634940	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/077,539	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON, NJ 08540

MAILED

NOV 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Monica Palacios-Boyce	:	DECISION ON PETITION
Application No. 12/077,543	:	TO WITHDRAW
Filed: March 20, 2008	:	FROM RECORD
Attorney Docket No. 4590-102.1 US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2009.

The request is **NOT APPROVED**.

The request was signed by Cynthia Soumoff on behalf of all practitioners of record; however, the request cannot be approved since the practitioners were not appointed by Customer Number. The practitioners were appointed power of attorney individually, by Registration Number upon filing of the instant application. Therefore, the Request must reflect withdrawal of the associated practitioners in the same manner.

Further, a review of the file record indicates that Cynthia Soumoff was not appointed power of attorney in this patent application and consequently cannot withdraw the attorneys of record.

There is an outstanding Office action mailed May 20, 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.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOREN G. HELMREICH
BROWNING BUSHMAN P.C.
SUITE 1800
5718 WESTHEIMER
HOUSTON TX 77057

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Billy W. White et al. :
Application No. 12/077,602 : ON PETITION
Filed: March 20, 2008 :
Attorney Docket No. R&M-287 :

This is a decision on the petition filed April 22, 2008, requesting that the above-identified application be accorded a filing date of March 20, 2008, with omitted drawings as part of the original disclosure. The petition is being treated under 37 CFR 1.182.

The petition is **DISMISSED AS INAPPROPRIATE**.

After the application was filed and a filing date accorded, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" on April 10, 2008, stating that while the application had been accorded a filing date, that Figures 2-4 described in the specification, appeared to have been omitted. In response to the Notice, petitioner files, a copy of the omitted drawings, Figures 2-4.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)). Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers filed upon

application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

In this case, since applicant admits that the drawing sheets containing Figures 2-4 were inadvertently omitted, but neither asserts that the omitted drawings were present on filing or requests the later filing date (the date the drawings were supplied), no petition under 37 CFR 1.182 is necessary for that purpose. New drawings may be entered by the primary examiner without petition so long as the new drawings contain no new matter. See MPEP §608.02(a).

Accordingly, the petition is inappropriate and is subject to dismissal.

Figures 2-4 will not be entered on petition.

In view of the above, the Office of Patent Application Processing will continue processing the application with the originally accorded filing date of March 20, 2008 but without Figures 2-4 as part of the original disclosure. The drawings filed April 22, 2008, with the instant petition will be retained in the file for review by the Examiner in due course.

Any further concerns specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOREN G. HELMREICH
BROWNING BUSHMAN P.C.
SUITE 1800
5718 WESTHEIMER
HOUSTON TX 77057

COPY MAILED

JUL 11 2008

In re Application of :
Billy W. White et al. :
Application No. 12/077,602 : ON PETITION
Filed: April 22, 2008 :
Attorney Docket No. R&M-287 :

This is a decision on the renewed petition under 37 CFR 1.182, filed June 10, 2008 to accept the date of submission of the missing drawing Figures as the application filing date.

After the application was filed and a filing date accorded, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" on April 10, 2008, stating that while the application had been accorded a filing date, that Figures 2-4 described in the specification, appeared to have been omitted. In response to the Notice, petitioner filed a copy of the omitted drawings, Figures 2-4.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)). Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

In this case, while applicant admitted that the drawing sheets containing Figures 2-4 were inadvertently omitted, petitioner neither asserted that the omitted drawings were present on filing nor requested the later filing date (the date the drawings were supplied), and thus the petition was dismissed as inappropriate in a decision mailed May 19, 2008 since no petition under 37 CFR 1.182 is necessary for that purpose. Petitioner was advised that new drawings may be entered by the primary examiner without petition so long as the new drawings contain no new matter. See MPEP §608.02(a).

Petitioners have opted to accept the date of the submission of the omitted drawings, April 22, 2008 as the filing date as they submitted a new oath or declaration in compliance with 37 CFR 1.63 and 1.64 covering the newly submitted items on that date. The petition therefore is **GRANTED**. In accordance with applicant's request, the application will be processed and examined with a filing date of April 22, 2008.

This matter is being referred back to the Office of Patent Application Processing for reprocessing with a filing date of April 22, 2008, **not March 20, 2008**, using the application papers filed on that date and the papers filed on March 20, 2008.

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/077,643	03/20/2008	Shun-Sheng Cheng	Cheng.Desulfurization	6794

23616 7590 08/26/2008

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

EXAMINER	
ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
08/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

8/26/08

In re application of
Shun-Sheng Cheng
Serial No. 12/077,643
Filed: March 20, 2008
For: DIESEL DESULFURIZATION METHOD

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed on April 16, 2008 to make the above-identified application special because of enhancement of environmental quality.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (environmental quality) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
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, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS). Furthermore, the petition to make special was not filed on the same day as the application as required by MPEP 708.02(a).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

MAILED

JUL 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application No. 12/077,649	:	DECISION ON PETITION
Filed: March 20, 2008	:	
Attorney Docket No. NY-SENTI 204-US3-DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 25, 2010, as required by the Notice of Allowance and Fee(s) Due mailed March 25, 2010. Accordingly, the date of abandonment of this application is June 26, 2010. A Notice of Abandonment was mailed July 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and publication fee of $300.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 0 1 2009

OFFICE OF PETITIONS

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of	:	
Juan Qiao	:	
Application No. 12/077,651	:	DECISION ON PETITION
Filed: March 19, 2008	:	TO WITHDRAW
Attorney Docket No. 9145.0049-00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Kimberly A. Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BRUCE L. ADAMS, ESQ
ADAMS & WILKS
Suite 1231
17 Battery Place
New York, NY 10004

Mail Date: 05/04/2010

Applicant	: Akihiro Iino	: DECISION ON REQUEST FOR
Patent Number	: 7642697	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/077,660	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE
SUITE 314
HILLSBORO OR 97124

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Morgan T. Johnson :
Application No. 12,077,670 : DECISION ON PETITION
Filed: March 20, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. AISI.P049 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred back to the Office of Patent Application Processing for further processing. This application will be accorded "special" status once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Dec-08

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

COPY MAILED
DEC 2 4 2008

In re Application of	:	
Mai Sakamoto	:	
Application Number: 12/077674	:	DECISION ON PETITION
Filing Date: 03/19/2008	:	
Attorney Docket Number: 4041P-000110	:	

This is a decision on the "PETITION & RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION," filed on June 9, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of March 19, 2008, with one (1) sheet of drawings containing Figure 9, as a part of the original disclosure.

The petition is granted.

The application was filed on March 19, 2008.

Accordingly, on April 16, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of March 19, 2008, but that Figure 9 described in the specification appeared to have been omitted from the application. An executed oath or declaration and surcharge for its late filing was also required.

In response, on June 9, 2008, the present petition, including a declaration and the surcharge for its late filing were filed, along with the petition fee and a copy of, *inter alia*, one (1) sheet of drawings containing Figure 9. Petitioner argues that one (1) sheet of drawings containing Figure 9 was filed with the other application papers on March 19, 2008, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "031908" and the above-identified application number, and identifies the application by the sole inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "22 sheets of Formal

Drawings". Petitioner requests that the application, including one (1) sheet of drawings containing Figure 9, be accorded a filing date of March 19, 2008.

A review of the record reveals that 21 sheets of drawings containing Figures 1, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 4A, 4B, 4C, 5, 6, 7, 8A, 8B, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19A, 19B, 20, 21, 22, and 23 were received on March 19, 2008. No sheet of drawings containing Figure 9 is located among the papers received on that date. However, the evidence is convincing that the application papers deposited on March 19, 2008, included one (1) sheet of drawings containing Figure 9, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 9, is entitled to a filing date of March 19, 2008.

The Notice to File Missing Parts of Nonprovisional Application mailed on April 16, 2008, is vacated to the extent that it states that Figure 9 appears to have been omitted.

In view of the above, the petition is granted. As the petition was not due to an error on the part of petitioner, the petition fee will be credited to counsel's deposit account.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 9 described in the specification, and supplied on June 9, 2008, as a part of the original disclosure. The copies of the other sheets of drawings supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of March 19, 2008, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 9 supplied with the present petition, and for an indication in Office records that 22 sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 0 1 2009

OFFICE OF PETITIONS

DANNY JOHN HARPOLE
2143 HWY 91 WEST
JONESBORO AR 72404

In re Application of :
Danny Harpole :
Application No. 12/077,679 : ON PETITION
Filed: March 21, 2008 :
Title: Improved Rice Milling Machine :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 31, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the Notice to File Corrected Application Papers, mailed December 15, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit a substitute specification and replacement drawings. Applicant filed a reply on March 11, 2009, made timely by obtaining a one month extension of time. However, on May 7, 2009, the Office mailed a Notice of Incomplete Reply, stating that a substitute specification was still required, and stating that the period for reply would continue to run from the mailing date of the December 15, 2008 Notice. No further reply having

been received, the application became abandoned on March 16, 2009. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of a substitute specification was previously filed on June 19, 2009.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 0 1 2009

OFFICE OF PETITIONS

DANNY JOHN HARPOLE
2143 HWY 91 WEST
JONESBORO AR 72404

In re Application of :
Danny John Harpole :
Application No. 12/077,679 : ON PETITION
Filed: March 21, 2008 :
Attorney Docket No. Improved Rice :
Milling Machine

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 31, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a substitute specification in response to the Notice to File Corrected Application Papers, mailed December 15, 2008. This Notice set an extendable period for reply of two (2) months. Applicant filed a substitute specification on March 11, 2009. However, the Office mailed a Notice of Incomplete Reply on May 7, 2009, stating that the substitute specification was not proper because it was not double or one and one half spaced. The Notice stated that the period for reply would continue to run from the mailing date of the December 15, 2008 Notice. No further substitute specification having been received with an

appropriate extension of time, the application became abandoned on March 16, 2009. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a substitute specification.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

COPY MAILED

DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/077,692
Filed: March 20, 2008
Attorney Docket No. **1574-006PP**

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 **NOT ACCEPTED.**

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 05 2010

OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Nils KLEMM :
Application No. 12/077,692 : NOTICE
Patent No. PP20036 :
Filed: March 20, 2008 :
Attorney Docket No. **1574-006PP**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

MAILED

JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of

VERHEEM, Johann B.
Application No. 12/077,743
Filed: March 19, 2008
Attorney Docket No. **212/996**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 12, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (2) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JOHANN B. VERHEEM**
2387 LA MIRADA DRIVE
VISTA CA 92081

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of
VERHEEM, Johann B.
Application No. 12/077,743
Filed: April 10, 2007
Attorney Docket No. **212/952**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2009 and re-submitted on July 22, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to CROCKETT & CROCKETT, P.C. has been revoked by the applicant of the patent application on July 15, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **THE NATH LAW GROUP**
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES T. ROBINSON
222 EAST MAIN STREET
NORMAN, OK 73069-1303

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Geroge M. Huggins :
Application No. 12/077,760 : DECISION ON PETITION
Filed: March 21, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. HUG109 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 21, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3612 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GENE W. ARANT
P.O. BOX 269
LINCOLN CITY OR 97367-0269

MAILED

JAN 05 2010

OFFICE OF PETITIONS

In re Application of	:	
David St. James	:	DECISION ON PETITION
Application No. 12/077,808	:	TO WITHDRAW
Filed: March 21, 2008	:	FROM RECORD
Attorney Docket No. 0475	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 6, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on November 6, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with items (2) and (3) of the above certifications.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRAD A. WATSON
2901 SOUTH HELEN AVE
MONAHANS TX 79756

COPY MAILED
JAN 0 8 2009

In re Application of	:	
Brad Alan Watson	:	
Application No. 12/077,868	:	DECISION ON PETITION
Filed: March 24, 2008	:	
Title: E.E.Z.Z. Automatic Bag Feed Trash System	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely and proper manner to the Notice to File Corrected Application Papers (Notice) mailed April 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 12, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

Petitioner has submitted a payment of $65.00 for an unnecessary late surcharge fee. However, petitioner is required to submit a $110.00 additional claim fee as requested in the Notice to File Corrected Application Papers. Therefore, the shortage of $45.00 is required in order to comply with the April 11, 2008 Notice.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office

Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRAD A. WATSON
2901 SOUTH HELEN AVE
MONAHANS TX 79756

COPY MAILED

MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Brad Alan Watson	:	
Application No. 12/077,868	:	DECISION ON PETITION
Filed: March 24, 2008	:	
Title: E.E.Z.Z. Automatic Bag Feed Trash System	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed April 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a Substitute Specification, Claims, an Abstract and Replacement drawings (all previously filed on October 24, 2008), and Additional Claim fees of $110.00; (2) the petition fee of $810.00 (previously paid on October 24, 2008), and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES RICHARDS
58 BONING RD
FAYETTEVILLE TN 37334

COPY MAILED

JUL 16 2008

In re Application of	:	
Robert Lovett	:	
Application No. 12/077,872	:	DECISION ON PETITION
Filed: March 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 080007	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 22, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 2876 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 14 2009

OFFICE OF PETITIONS

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of	:	
Yanbo Wang et al.	:	
Application No. 12/077,929	:	DECISION ON PETITION
Filed: March 20, 2008	:	TO WITHDRAW
Attorney Docket No. 70107.102 (IDT 2353)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Kimberly A. Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of
Yanbo Wang et al.
Application No. 12/077,929
Filed: March 20, 2008
Attorney Docket No. 70107.102 (IDT 2353)

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 September 28, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75213

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/077,930
Filed: March 21, 2008
Attorney Docket No. **1574-007PP**

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 **NOT ACCEPTED.**

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Fees Paid	*Large Entity Amount Due*	*Difference – Amount Due*
Filing Fee: $340.00 Filed: **March 21, 2008**	$720.00	$380.00

Please charge any additional fees or credit any overpayment for the filing fee, any extra claims fees, or the surcharge to Deposit Account No. 50-2368.

Enclosed are a copy of Form SB17 and a copy of the original check submitted with the filing of this application.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	ELIZABETH BENNETT-JARVIS, Reg. No. 53,982				
SIGNATURE	/Elizabeth L. Bennett-Jarvis/		*DATE*	30 September 2009	
ADDRESS	Jondle & Associates, P.C. 858 Happy Canyon Road, Suite 230				
CITY	Castle Rock	*STATE*	CO	*ZIP CODE*	80108
COUNTRY	U.S.A.	*TELEPHONE*	303-799-6444	*FAX*	303-799-6898

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 09 2010

OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Nils KLEMM :
Application No. 12/077,930 : NOTICE
Patent No. PP19960 :
Filed: March 21, 2008 :
Attorney Docket No. 1574-007PP

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

William M. Hobby, III
157 E. New England Avenue, #375
Winter Park FL 32789

COPY MAILED

JUL 16 2008

In re Application of	:	
James D. Rice, Sr.	:	
Application No. 12/077,933	:	DECISION ON PETITION
Filed: March 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 08-6105	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 3643 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/077,953	03/20/2008	Arthur Back	D2877US-CON08	7844

61535 7590 10/29/2009

FRANK J. UXA
STOUT, UXA, BUYAN & MULLINS, LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

EXAMINER	
SUGARMAN, SCOTT J	

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
10/29/2009	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRANK J. UXA
STOUT, UXA, BUYAN & MULLINS, LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of BACK
Appl. No.: 12/077,953
Filed: March 20, 2008
For: CONTACT LENS

DECISION ON PETITION UNDER 37 C.F.R. § 1.59

This is a decision on the petition under 37 C.F.R. §1.59(b), filed September 15, 2008, to expunge trade secret material from the above-identified application.

The petition is GRANTED.

Petitioner requests that the trade secret material submitted on September 15, 2008, pursuant to MPEP § 724, be expunged from the record. Petitioner states that the trade secret material Disclosure Statement contains trade secrets of the assignee which has not been publicly disclosed. The petition is accompanied by a check of $200.00 covering the petition fee set forth in 37 CFR 1.17(I).

The information in question has been determined by the examiner to not be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been removed from the official file. Petitioner must contact the individual named below to pick up the trade secret material within two weeks or the trade secret material will be destroyed.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.

John W. Cabeca, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Component

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

M. Jeffrey Bonner
3790 1st Ave. NW
Naples FL 34120

MAY 05 2008

In re Application of: Bonner, M., Jeffrey
Serial No.: 12/077,962
Filed: March 24, 2008
Title: SIX-CYCLE INTERNAL COMBUSTION ENGINE

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 24, 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 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 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, 3-4, and II: 1 above are considered to have been met. However, the petition fails to comply with conditions I: 2 II : 2- 6.6 above. There is no evidence the application was filed using EFS web and there is no statement that EFS was not available to applicant at the time of filing. Further, all remaining requirements outlined above for granting accelerated

examination status to the applications are lacking. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. Note that a statement that the application is directed to the development or conservation of energy resources, under the new policy, is only sufficient for waiver of the petition fee. Petitioner's provided statement is sufficient for waiver of said fee. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

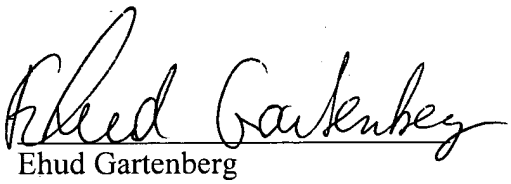
DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.



Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

DATES: *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7726, or by facsimile at (571) 273–7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to *MPEPFeedback@uspto.gov*, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217–9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. *See* 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. *See* Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) 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. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) 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.

(A) 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.

(B) 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.

(C) 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 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) 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.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) 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.

(B) 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.

(C) 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).

(D) 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).

(E) 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: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) 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, ¶ 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.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108–453, 118 Stat. 3596 (2004)).

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)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If 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 (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered: *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. *See* Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL–85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL–85; and (2) not file any post-allowance papers that are not required by the USPTO (*e.g.*, an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (*i.e.*, the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process, the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (*see* 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (*e.g.*, a secrecy order, national security review, interference, or petitions under 37 CFR 1.181–1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information: Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. *See* 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at *http://www.uspto.gov/web/forms/index.html.*

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

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 (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (*e.g.*, an IDS citing new prior art after the mailing of a first Office action). *See* Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651–0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6–10022 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

M. Jeffrey Bonner
3790 1st Ave. NW
Naples FL 34120

MAY 23 2008

In re Application of: BONNER
Serial No.: 12/077962
Filed: March 24, 2008
Title: SIX-CYCLE INTERNAL COMBUSTION ENGINE

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 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 **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application.

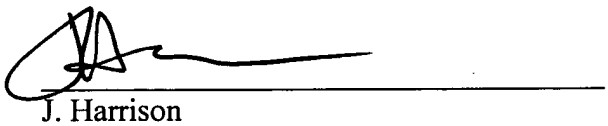
As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. Notably, special status based upon categories such as conservation of energy resources are no longer available. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review.

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 J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.



J. Harrison
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

COPY MAILED

DEC 0 1 2009

OFFICE OF PETITIONS

In re Patent No. PP19880 :
Issue Date: March 31, 2009 :
Application No. 12/077,980 : ON PETITION
Filed: March 24, 2008 :
Attorney Docket No. 1574-018PP :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ETHERTON LAW GROUP, LLC
2010 E. UNIVERSITY DRIVE, SUITE 25
TEMPE AZ 85281

MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
RUMACK, Beth G.	:	
Application No. 12/077,990	:	DECISION ON PETITION
Filed: March 24, 2008	:	TO WITHDRAW
Attorney Docket No. **516-001**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 17, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Benjamin D. Tietgen on behalf of all attorneys of record who are associated with customer No. 33354. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Beth G. Rumack at the address indicated below.

There is an outstanding Office action mailed March 19, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BETH G. RUMACK**
5317 N. 32ND PLACE
PHOENIX, AZ 85018

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WEST VIRGINIA UNIVERSITY RESEARCH CORPORATION
886 CHESTNUT RIDGE ROAD
P.O. BOX 6224
MORGANTOWN WV 26506-6224

MAILED

APR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Nancy Lan Guo	:	
Application No. 12/077,992	:	DECISION ON PETITION
Filed: March 24, 2008	:	
Attorney Docket No. 387	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed, January 12, 2009 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, 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. The Notice of Abandonment was mailed December 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a copy of the "Sequence Listing" in computer readable form and the $270 specification and drawings page count fee , (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,017	03/26/2008	Koji Kasuya	0042-0582PUS1	8844

2292 7590 11/05/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LORENCE, RICHARD M	

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
11/05/2008	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):

mailroom@bskb.com

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

NOV 0 4 2008

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re application of	:	DECISION ON REQUEST TO
Koji Kasuya	:	PARTICIPATE IN PATENT
Application No. 12/078,017	:	PROSECUTION HIGHWAY PILOT
Filed: March 26, 2008	:	PROGRAM AND PETITION
For: PARKING MECHANISM FOR A TRANSMISSION	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment and the IDS filed concurrently with the petition and the IDS filed March 26, 2008, 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: 10/30/08

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.
12/078,038	03/26/2008	Noboru Menjo	136516	9981

7590 06/16/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
06/16/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Kepln. Ref: 06/16/2009 BPOWELL 0007125800
DAN:158461 Name/Number:12078038
FC: 9204 $510.00 CR

Adjustment date: 06/16/2009 BPOWELL
06/16/2009 CHOUYER2 00000066 12078038
02 FC:1111 -510.00 OP

Repln. Ref: 06/16/2009 BPOWELL 0007125800
DA#:150461 Name/Number:12078038
FC: 9204 $510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,042	03/26/2008	Atsushi Monden	136450	9979

7590 04/27/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
THEODORE, MAGALI P	

ART UNIT	PAPER NUMBER
1795	

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

Adjustment date: 04/26/2010 NFARMER
03/27/2008 CNGUYEN2 00000364 12078042
02 FC:1111 -510.00 OP
04 FC:1201 -210.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,105	03/27/2008	Kouichi Sugiyama	2018-1957	9673

7590 09/10/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 BPOWELL
03/28/2008 ONELETE1 00000037 12078105
01 FC:1111 -510.00 OP

Adjustment date: 09/11/2009 BPOWELL
03/28/2008 ONELETE1 00000037 12078105
01 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & SPALDING LLP (SAIC CUSTOMER NUMBER)
ATTN: DAWN-MARIE BEY
1700 PENNSYLVANIA AVE, NW
SUITE 200
WASHINGTON DC 20006

COPY MAILED

JUN 04 2009

OFFICE OF PETITIONS

In re Patent No. 7,468,520 :
Issued: December 23, 2008 :
Application No. 12/078,182 : ON PETITION
Filed: March 27, 2008 :
Attorney Docket No. SAIC0114-CON1 :

This is a decision on the petition under 37 CFR 1.182, filed April 21, 2009 requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The file record discloses that the instant application matures into U.S. Patent No. 7,468,520 on December 23, 2008. However, petitioner contends that the patent was never received and it is presumed lost in the mail.

Petitioner states that the Letters Patent was never received. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In the absence of any irregularity there is a strong presumption that the communications was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communications was not in fact received.

Petitioner has complied with the above requirements. In view of the facts set forth in the petition, it is concluded that the patent was never received. The $400.00 petition fee submitted on April 21, 2009 will be refunded to petitioner's credit card as requested.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250, ext. 129.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/ODM, South Tower 8C23 (FAX 571-270-9753)

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.
12/078,200	03/27/2008	Kenichi Mitsui	26H-056	1278

7590 06/25/2010

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
LAZO, THOMAS E	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
06/25/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/25/2010 MFARMER
02 FC:1111 -510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VA 22314

MAILED

SEP 18 2009

OFFICE OF PETITIONS

In re Application of :
Shouhei YOSHIDA, et al. :
Application No. 12/078,217 : DECISION GRANTING PETITION
Filed: March 28, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **KAS-211-03** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3741 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, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Kiyoshi Nakajima	: DECISION ON REQUEST FOR
Patent Number	: 7624999	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/078,262	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2008	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7624999
Serial No. : 12/078262
Inventor(s) : Kiyoshi NAKAJIMA
Issued : December 1, 2009
Title : SUPPORTING STRUCTURE OF STABILIZER TO VEHICLE BODY
Docket No. : 107355-00195

Re: Request for Certificate of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction For the above-identified patent under the provisions of Rule(s) 1.322.

This is in response to your request for a Certificate of Correction to be issued for the above-identified patent, letter dated February 15, 2010. A discrepancy has been found in Related U.S. Application Data on the Title Page Item (62) and the attached Form PTO 1050.

In view of the foregoing, your request, in this matter, is hereby denied.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 4/21/10

Address: Charles M. Marmelstein
Arent Fox PLLC
1050 Connecticut Avenue, N.W., Suite 600
Washington, D.C. 20036-5339

ts/md

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7624999
Serial No. : 12/078262
Inventor(s) : Kiyoshi NAKAJIMA
Issued : December 1, 2009
Title : SUPPORTING STRUCTURE OF STABILIZER TO VEHICLE BODY
Docket No. : 107355-00195

Re: Request for Certificate of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction For the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged error in Item (62) Related U.S. Application Data on the Title Page, comparison of the printed patent with the corresponding location in the application file reveals that there is no discrepancy.

In view of the foregoing, your request, in this matter, is hereby denied.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 5/18/2010

Address: Charles M. Marmelstein
Arent Fox PLLC
1050 Connecticut Avenue, N.W., Suite 600
Washington, D.C. 20036-5339

ts/md

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Fischer, et al. :
Application No. 12/078,312 : DECISION ON PETITION
Filed: 28 March, 2008 :
Attorney Docket No. 028232-0123 :

This is a decision on the petition filed on 14 November, 2008, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **DISMISSED** without prejudice.

A 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

> **605.04(c)Inventor Changes Name [R-5]**
>
> 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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

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.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

BACKGROUND

A search of the file indicates that:

The instant application was filed on 28 March, 2008, with an executed oath/declaration in the name of "Christine Jensen"—the name having been typed and signed in that form.

On 14 November, 2008, Petitioner indicated to the Office that the name of inventor/applicant should be corrected, to "Christine Andersen" due to marriage.

Petitioner failed to include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

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]

The instant petition is **dismissed** without prejudice pending Petitioner's submission of the renewed petition with companion declaration by inventor/applicant and updated application data sheet (ADS).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

[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). See specifically, the regulations at 37 C.F.R. §10.18.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[9]) 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

[9] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Fischer, et al. :
Application No. 12/078,312 : DECISION ON PETITION
Filed: 28 March, 2008 :
Attorney Docket No. 028232-0123 :

This is a decision on the renewed petition filed on 22 May, 2009, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **DISMISSED** without prejudice.

A 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Petitioner failed to include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

> **605.04(c)Inventor Changes Name [R-5]**
>
> 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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

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.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

BACKGROUND

A search of the file indicates that:

The instant application was filed on 28 March, 2008, with an executed oath/declaration in the name of "Christine Jensen"—the name having been typed and signed in that form.

On 14 November, 2008, Petitioner indicated to the Office that the name of inventor/applicant should be corrected, to "Christine Andersen" due to marriage.

Petitioner failed to include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

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]

The instant petition is **dismissed** without prejudice pending Petitioner's submission of the renewed petition with companion declaration by inventor/applicant and updated application data sheet (ADS).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

[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). See specifically, the regulations at 37 C.F.R. §10.18.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[9]) 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

[9] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED
MAR 1 1 2010

In re Application of :
Fischer, et al. :
Application No. 12/078,312 : DECISION ON PETITION
Filed: 28 March, 2008 :
Attorney Docket No. 028232-0123 :

This is a decision on the renewed petition filed on 28 December, 2009, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

Petitioners always are directed to the guidance in the Commentary set forth at MPEP§605.04(c) as to the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

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.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

BACKGROUND

A search of the file indicates that:

The instant application was filed on 28 March, 2008, with an executed oath/declaration in the name of "Christine Jensen"—the name having been typed and signed in that form. Petitions to change that listing to "Christine Andersen," following marriage were filed on 14 November, 2008, dismissed on 30 March, 2009; resubmitted on 22 May, 2009, and dismissed on 28 September, 2009 (Petitioner failed to include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.)

On 28 December, 2009, Petitioner submitted with the petition (and fee previously paid) the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

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]

CONCLUSION

The petition under 37 C.F.R. §1.182 is **granted.**

This application is released to the Office of Patent Application Processing (OPAP) with instructions to reflect the correct statement of the inventor's name (formerly known as Christine Jensen) to CHRISTINE ANDERSEN, and to:

- **issue a corrected filing receipt; and**
- **insert into the record the corrected bib sheet,**

and so release the application for further processing in due course.

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[9]) 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

---

[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). See specifically, the regulations at 37 C.F.R. §10.18.

[9] 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

07 DEC 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of:
TOUITOU et al.
U.S. Application No.: 12/078,317
Filing Date: 28 March 2008
Attorney's Docket No.: JSP-4110-104
For: COMPOSITIONS FOR NASAL DELIVERY

DECISION ON PETITION

This decision is in response to the "Petition to Correct Filing Receipt", filed 20 April 2009, requesting correction of the Filing Receipt to include a benefit claim to prior-filed U.S. provisional application no. 60/724,904. The "Petition" has been treated as a petition under 37 CFR 1.181.

For reasons below, the petition is **DISMISSED**, without prejudice.

BACKGROUND

Applicants filed U.S. provisional application 60/724,904 on 11 October 2005. On 15 October 2006, applicants filed international application no. PCT/IL2006/001187 in the Israeli Patent Office claiming priority to the provisional application.

On 28 March 2008, applicants filed an application under 35 U.S.C. 111(a) (U.S. application 12/078,317) claiming benefit under 35 U.S.C. 119(e) and 120 to international application no. PCT/IL2006/001187 and provisional application 60/724,904. The Office subsequently mailed a Filing Receipt that included the benefit claim under 35 U.S.C. 120 to the international application but did not include the benefit claim under 35 U.S.C. 119(e) to the provisional application.

On 17 March 2009, applicants filed a request for corrected Filing Receipt to add the provisional claim.

On 25 March 2009, the Office mailed a communication refusing the request because the provisional application was "filed over a year prior to the filing date of this application."

On 20 April 2009, applicants filed the petition considered herein.

DISCUSSION

Petitioners contend that the instant application included a timely and proper benefit claim to provisional application 60/724,904. Petitioners also contend that the Israeli Patent Office was closed for the period from 08 October 2006 to 14 October 2006; that the WIPO publication of international application no. PCT/IL2006/001187 properly includes the provisional claim; and that the International Bureau determined that international application no. PCT/IL2006/001187 properly claimed benefit of the provisional application.

Petitioners' arguments have been considered but are not deemed persuasive. Initially, it is noted that the presence of the provisional claim in international application no. PCT/IL2006/001187 does not appear to be improper. While the filing date of provisional application 60/724,904 is more than 12 months prior to the international filing date, PCT Rule 80.5 provides for the extension of periods that otherwise expire on days that an Office is closed for business.[1]

However, priority claims in international applications are governed by, *inter alia*, PCT Article 8.[2] PCT Article 8(2)(b) governs *domestic* benefit claims. Pursuant to PCT

---

[1] *Rule 80.5 Expiration on a Non-Working Day or Official Holiday*
If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day:
(i) on which such Office or organization is not open to the public for the purposes of the transaction of official business;
(ii) on which ordinary mail is not delivered in the locality in which such Office or organization is situated;
(iii) which, where such Office or organization is situated in more than one locality, is an official holiday in at least one of the localities in which such Office or organization is situated, and in circumstances where the national law applicable by that Office or organization provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day; or
(iv) which, where such Office is the government authority of a Contracting State entrusted with the granting of patents, is an official holiday in part of that Contracting State, and in circumstances where the national law applicable by that Office provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day;
the period shall expire on the next subsequent day on which none of the said four circumstances exists.

[2] *Article 8 - Claiming Priority*
(1) The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.
(2)(a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any priority claim declared under paragraph (1) shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.
(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the

Article 8(2)(b), U.S. national law governs the conditions for and effect of the priority claim to the U.S. provisional application.

The national law governing benefit claims to provisional applications is 35 U.S.C. 119(e). Sec. 119(e) provides, in pertinent part:

> *(e)(1)An application for patent filed under *** section 363 *** shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under *** section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application. ****
> ***
>
> *(3)If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.*

While sec. 119(e)(3) provides for extensions of the 12-month priority period, such extensions are limited to cases where the 12-month date falls on a "Saturday, Sunday or Federal holiday within the District of Columbia." As the 12-month date in the present case (i.e., 11 October 2006) did not fall on a "Saturday, Sunday, or Federal holiday within the District of Columbia", the extension under sec. 119(e)(3) does not apply, and consequently, petitioners have not satisfied the conditions under 35 U.S.C. 119(e) for obtaining the benefit of the filing date of provisional application 60/724,904.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee 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

---

designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
571 272-3288

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

COPY MAILED

SEP 26 2008

In re Application of :
George Gruner :
Application No. 12/078,326 : DECISION ON PETITION
Filed: March 28, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 58086-257606 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 15, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Papers to for processing the reply to the Notice to File Missing Parts (Notice) mailed April 18, 2008. This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Peter French Meyer	: DECISION ON REQUEST FOR
Patent Number	: 7651387	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/078,328	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/078,335	03/28/2008	Chul-Hong Kim	P58363	2098

7590 10/22/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
NORTON, NADINE GEORGIANNA

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
10/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/22/2009 NFARMER 0017301000
DRN:024943 Name/Number:12078335
FC: 9204 $510.00 OR

Adjustment date: 10/22/2009 NFARMER
03/31/2008 MBELETE1 00000129 12078335
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,346	03/28/2008	Kazutoshi Tsunekawa	1014100-000231	2130

7590 08/28/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
LORENCE, RICHARD M	

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
08/28/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 08/28/2009 BPOWELL
03/31/2008 HPELLE1 00000119 024800 12078346
02 FC:1111 510.00 CR
04 FC:1201 630.00 CR

Adjustment date: 08/28/2009 BPOWELL 12078346
03/31/2008 HPELLE1 00000119 024800
02 FC:1111 510.00 CR
04 FC:1201 630.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600
1800 DIAGONAL ROAD
MAILBOX #119
ALEXANDRIA VA 22314

COPY MAILED

APR 13 2009

OFFICE OF PETITIONS

In re Application of :
LEUNG, Wallace Woon-Fong et al. :
Application No. 12/078,359 : DECISION ON PETITION
Filed: March 31, 2008 : TO WITHDRAW
Attorney Docket No. **IP-468A** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert M. Dewitty, the sole attorney of record. Robert M. Dewitty has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time. The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions