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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,368	03/31/2008	Hiromichi Naito	01-1068-DIV	1897

7590 08/07/2009

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

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/07/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Repin. Key: 08/07/2009 BPOWELL 0016412200
Dmk:501147 Name/Number:12078368
FC: 9204 $510.00 CK

Adjustment date: 08/07/2009 BPOWELL
04/01/2008 AKHMED1 00000002 12078368
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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LOUIS WOO
LAW OFFICE OF LOUIS WOO
717 NORTH FAYETTE STREET
ALEXANDRIA VA 22314

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APR 23 2008

In re Application of
Rachel Starr et al.
Application No. 12/078,400
Deposited: March 31, 2008
Attorney Docket No. 0107/0052

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed March 31, 2008 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was deposited on March 31, 2008, naming Rachel Starr, Joseph Pierre, Daniel Reardon and Alan Stec as joint inventors. The oath or declaration filed with the application was signed by all joint inventors except joint inventor Pierre and, the instant petition filed with the application, seeks status under 37 CFR 1.47, claiming that joint inventor Pierre refuses to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to the non-signing inventor at his last known address and that to date, he has not responded. The fact that he has been forwarded the application papers and has not to date returned any executed documents, we will construe his actions to be that of a refusal.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee in the amount of $200 has been charged to deposit account no. 50-0501.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JOSEPH PIERRE
55 CHURCHILL AVENUE
BROCKTON, MA 02301

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APR 23 2008

In re Application of
Rachel Starr et al.
Application No. 12/078,400
Deposited: March 31, 2008
For: UNDERBODY CONVECTIVE BLANKET AND METHOD FOR MANUFACTURING THEREOF

Dear Mr. Pierre:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

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

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

LOUIS WOO
LAW OFFICE OF LOUIS WOO
717 NORTH FAYETTE STREET
ALEXANDRIA VA 22314

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WPAT, PC
7225 BEVERLY ST.
ANNANDALE, VA 22003

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of :
Shih-Fan YU. et al :
Application No. 12/078,456 : DECISION ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. 18906-370 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 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 24, 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 25, 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 $1620; 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.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to 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.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: JUSTIN KING
1940 DUKE ST., SUITE 200
ALEXANDRIA, VA 22314

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,472	03/31/2008	Woo-Joon Chung	P58696	2895

7590 07/13/2010

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
07/13/2010	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

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

Mail Date: 04/21/2010

Applicant	: Takashi Baba	: DECISION ON REQUEST FOR
Patent Number	: 7608819	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/078,523	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Yulin Hsu	:	
Application No. 12/078,542	:	ON PETITION
Filed: April 1, 2008	:	
Attorney Docket No. BHT-3214-298	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 25, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 26, 2008. The Notice of Abandonment was mailed December 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 statutory basic filing fee ($165), the surcharge ($65), the application search fee ($270) and the application examination fee ($110); (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

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Dr. D. Graeser Ltd.
c/o The Discovery Dispatch
9003 Florin Way
Upper Marlboro MD 20772

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MAY 13 2010

OFFICE OF PETITIONS

In re Application of :
Geisler et al. :
Application No. 12/078550 :
Filing or 371(c) Date: 04/01/2008 :
Attorney Docket Number: :
590 : ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 4, 2010, to revive the above-identified application.

This Petition is hereby **granted**.

A non-final Office action was mailed November 28, 2008. Applicant filed an Amendment in response to the Office action on April 28, 2009. The Amendment was non-compliant with 37 CFR 1.121. Applicant was so notified in a Notice of Non-Compliant Amendment, mailed May 29, 2009. The Notice of Non-Compliant Amendment set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). Applicant filed an Amendment in response to the Notice on June 29, 2009. The Amendment was again non-compliant. Applicant was so notified in a Notice of Non-Compliant Amendment, mailed August 20, 2009. The Notice of Non-Compliant Amendment again set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). A Notice of Abandonment was mailed on October 14, 2009[1].

Applicant files the present petition and Amendment in 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 in the form of an Amendment (the Examiner has approved the Amendment); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

[1] Applicant notes in the petition that the application was abandoned prematurely since the Notice mailed August 20, 2009 set a one month period for reply and provided for extensions of time. While applicant is correct, applicant did not file a reply to the Notice until the filing of the amendment with the present petition, which is after the maximum extendable period for reply, and the application is properly abandoned.

This application is being referred to Technology Center Art Unit 3628 for processing of the reply to the Notice filed with the petition in the normal course of business.

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,611	04/02/2008	Kanehisa Nagasaki	2018-1948	4341

7590 12/30/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
3753	
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.

Patent Publication Branch
Office of Data Management

Refund Ref:
12/31/2009 [illegible]

Credit Card Refund Total: 510.00

Adjustment date: 12/31/2009 NFARMER
04/03/2008 SZEMBIEI 00000092 12070[illegible]
02 FC:1111 -510.00 OP

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OFFICE OF PETITIONS

In re Application of :
Yang :
Filed: April 2, 2008 : ON PETITION
Application No. 12/078,624 :
Atty. Dkt. No.: BHT-3214-299 :

This decision is in response to the "PETITION UNDER 37 CFR § 1.182," filed July 1, 2008, to accord the instant application a filing date of April 2, 2008 with Figures 1 through 6 as part of the application as originally filed.

The Notice of Omitted Items (Notice) mailed April 25, 2008 indicated that the instant application had been accorded a filing date, but that Figures 2 through 6 appeared to have been omitted from the application as filed.

In response, petitioner argues that the application as deposited included 4 sheets of drawings bearing Figures 1-6, and have presented as proof of mailing and proof of receipt of the drawing figures in question a receipt card date stamped by the Office on April 2, 2008. A copy of Figures 2, 3, 4, 5, and 6 purportedly filed with the application was submitted herewith.

The original of pages containing Figures 2, 3, 4, 5, and 6 have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of April 2, 2008 with Figures 2, 3, 4, 5, and 6 as part of the disclosure of invention is GRANTED.

Since the originals of drawing sheets containing Figures 2, 3, 4, 5, and 6 cannot be located in the Office, the copies 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 April 2, 2008 with Figures 2, 3, 4, 5, and 6 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

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

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Kimura, et al. :
Application No. 12/078,625 : DECISION ON PETITION
Filed: April 2, 2008 :
Attorney Docket No. 2008_0525A :

This is a decision on the petition filed February 17, 2009 under 37 CFR 1.181 to withdraw the holding of abandonment. No fee is due in connection with this matter.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Corrected Application Papers (Notice) mailed April 30, 2008. The Notice set a two month shortened statutory period for reply. Notice of Abandonment was mailed January 5, 2009.

Petitioners have established, by virtue of a copy of a return postcard date stamped by the USPTO, that a response to the Notice was timely filed June 30, 2008.

The reply previously filed has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on June 30, 2008.

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.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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IOAN G. CRIHAN
417 E 64th St. # 4G
New York NY 10021

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Ioan G Crihan et al. :
Application No. 12/078,669 : DECISION ON PETITION
Filed: April 3, 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 5, 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 the inventor. Accordingly, the above-identified application has been accorded "special" status.

The Revocation of Power of Attorney submitted with the petition on March 5, 2009, is not accepted.
The Revocation Power of Attorney is not signed by all the inventors ant the record herein fails to disclose that petitioner herein (Geoffrey G. Woods) was ever given power of attorney to act on behalf of inventors Ioan G. Crihan and Jerrold E. Hyams, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b). Therefore, the Revocation Power of Attorney will not be entered. A courtesy copy will be sent the address on the petition. If petitioner desire to receive future correspondence pertaining to this application the proper power of attorney must be submitted.

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

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

The application is being forwarded to the Technology Center Art Unit 1796 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Robert N. Blackmon
Merek, Blackmon & Voorhees, LLC
673 S. Washington St.
Alexandria, VA 22314

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IOAN G. CRIHAN
417 E. 64TH ST # 4G
NEW YORK NY 10021

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APR 20 2009

OFFICE OF PETITIONS

In re Application of :
CRIHAN, Ioan G. et al. :
Application No. 12/078,670 : DECISION ON PETITION
Filed: April 03, 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 05, 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 Ioan G. Crihan that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

Mail Date: 07/09/2010

Applicant	: Chia-Liang Hsu	: DECISION ON REQUEST FOR
Patent Number	: 7642564	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/078,672	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ROBERT EUGENE TODD
735 AVENUE W
APARTMENT 4C
BROOKLYN NY 11223

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Robert E. Todd :
Application No. 12/078,696 : DECISION ON PETITION
Filed: April 3, 2008 :
Attorney Docket No. 13733/1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2009 and supplemented May 27, 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 April 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 1, 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 declaration and surcharge, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to the Office of Patent Application Papers for processing the reply received April 2, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/078,696	04/03/2008	Robert Todd	13733/1

CONFIRMATION NO. 5191

ROBERT EUGENE TODD
735 AVENUE W
APARTMENT 4C
BROOKLYN, NY 11223

POA ACCEPTANCE LETTER

OC000000036256811

Date Mailed: 06/02/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/02/2009.

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.

/amwise/

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

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

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AUG 0 7 2008

OFFICE OF PETITIONS

In re Application of :
YANAI et al. :
Application No. 12/078,739 : ON PETITION
Filed: April 4, 2008 :
Attorney Docket No. 100353-00309 :

This is a decision on the petition filed June 5, 2008, requesting that the above-identified application be accorded a filing date of April 4, 2008.

On April 4, 2008, applicants deposited the above-identified application. On May 23, 2008, the Office mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without a specification (including at least one claim) and that the filing date would be the date of receipt of the omitted items.

On June 5, 2008, applicants filed the present petition and copies of the specification, claims, abstract and drawings. Additionally, applicants provided a copy of the return, date-stamped postcard receipt, acknowledging receipt of: "Continuing Application Transmittal, Specification/Drawings/ claims/abstract (22 Sheets), Preliminary Amendment, Copy of Substitute Declaration For Reissue Application, Information Disclosure Statement w/PTO/SB/08a" in the USPTO on April 4, 2008.

Upon review of the record, the 22 pages of specification, claims, abstract, and drawings deposited on April 4, 2008, have not been located among the application papers. Nevertheless, the evidence is convincing that the application papers deposited on April 4, 2008, included those 22 pages, which were subsequently misplaced in the USPTO. See MPEP 503. Therefore, the application, including the 22 pages of specification, claims, abstract, and drawings, was complete on filing and will be granted a filing date of April 4, 2008.

Accordingly, the petition is **granted**. The Notice of Incomplete was sent in error and is hereby withdrawn.

This matter is being referred to the Office Patent Application Processing for processing of the **above-identified application with a filing date of April 4, 2008**, using the 22 pages of specification, claims, abstract, and drawings submitted with the present petition on June 5, 2008.

The $400.00 petition fee is unnecessary and will be refunded to the credit card in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,797	04/04/2008	Dong-Myung Lee	P58746	5670

7590 10/23/2009

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/23/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Depth. Ref: 10/26/2009 BPOWELL 0014345300
LAN:024943 Name/Number:12070797
FL: 9204 $510.00 CR

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SUITE 900
MCLEAN, VA 22102

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FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Wen Liang YAN, et al
Application No. 12/078,799
Filed: April 4, 2008
Attorney Docket No. 026172.011NUS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Lacy L. Kolo on behalf of the attorneys of record associated with Customer No. 32042.

The attorneys of record associated with Customer No. 32042 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 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: STEMRON, INC.
9700 GREAT SENECA HWY.
ROCKVILLE, MD 20850

PTO/SB/130 (03-08)
Approved for use through 07/31/2008. OMB 0651- 0031
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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	12/078,805	Confirmation Number	5274	Filing Date	2008-04-04
Attorney Docket Number (optional)	MJW-687-161	Art Unit		Examiner	
First Named Inventor	Stanley Beames Brown				
Title of Invention	BIOLOGICALLY ACTIVE METHYLENE BLUE DERIVATIVES				

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
Stanley	Beames	Brown	

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	/Mary J. Wilson/	Date (YYYY-MM-DD)	2008-06-30
Name	Mary J. Wilson	Registration Number	32955

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Stanley B. Brown

Application No. 12078805

Filed: April 4,2008

Attorney Docket No. MJW-687-161

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

The petition is **GRANTED**.

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

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

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

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

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PATTON BOGGS LLP
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MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of

Edward BRASWELL, et *al.*
Application No. 12/078,812
Filed: April 7, 2008
Attorney Docket No. **026478.0103PTUS**

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 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 has not properly submitted forwarding correspondence address information for the application. The request to change the correspondence address of record is not acceptable as the requested address is not that of: (1) the **first** named signing inventor; or (2) an intervening assignee of the entire interest under 37 CFR 3.71.

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

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PATTON BOGGS LLP
8484 WESTPARK DRIVE, SUITE 900
MCLEAN VA 22102

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Edward BRASWELL, et al. :
Application No. 12/078,812 : DECISION ON PETITION TO
Filed: April 7, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **026478.0103PTUS** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 7, 2010.

The request is **APPROVED**.

A grantable renewed 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 Michele Frank 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 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: **EDWARD BRASWELL**
2504 TYNE BOULEVARD
NASHVILLE, TN 37215

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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON, DC 20375-5320

Mail Date: 04/21/2010

Applicant	: Sharka M. Prokes	: DECISION ON REQUEST FOR
Patent Number	: 7639356	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/078,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Kejun Kang	: DECISION ON REQUEST FOR
Patent Number	: 7647189	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/078,981	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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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	: Kenichi Osada	: DECISION ON REQUEST FOR
Patent Number	: 7569881	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/078,992	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/09/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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KARL D. KOVACH
SENIOR PATENT ATTORNEY
EMERSON NETWORK
POWER CONNECTIVITY SOLUTIONS, INC.
3000 LAKESIDE DRIVE, SUITE 308N
BANNOCKBURN IL 60015

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OFFICE OF PETITIONS

In re Application of	:	
Durrant, et al.	:	
Application No. 12/079,043	:	DECISION
Filed: 24 March, 2008	:	
Attorney Docket No. 604FO001.C1	:	

This is a decision on the petition, filed on 12 January, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181. Petitioners must, *inter alia*, provide statements and documentary support as set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

This application was held abandoned for Petitioner's failure to reply timely and properly to the non-final Office action mailed on 13 June, 2008, with reply due absent extension of time on or before 13 September, 2008.

The application went abandoned by operation of law after midnight 13 September, 2008.

The Office mailed the Notice of Abandonment on 18 December, 2008.

On 12 January, 2009, Petitioner filed a petition, with, *inter alia*, an averment that a reply in the form of an amendment was timely and properly filed pursuant to 37 C.F.R. §1.8 with a request and fee for extension of time on Monday, 15 December, 2008, and provided therewith:

- a copy of the reply in the form of an amendment bearing a 12 December, 2008, certificate of mailing, with a request and fee for an extension of time to make timely the reply; and

- a date-stamped ("DEC 15 2008") receipt card, and Petitioner, as the signer of the certificate of mailing provided a statement,

consistent with the required showing described in the guidance in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered

> into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the 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]

---

[1] *See*: MPEP §711.03(c) (I)(B).

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

[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.

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory presentation of the showing requirements under the Rule. It is noted, however, that the timing requirements were not satisfied.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 18 December, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2874 for further processing as necessary in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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

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] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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MARK J. PANDISCIO
470 TOTTEN POND ROAD
WALTHAM, MA 02451-1914

MAILED

JUN 09 2010

OFFICE OF PETITIONS

In re Application of :
Michael O'Neill, et al. :
Application No. 12/079,072 : ON PETITION
Filed: March 24, 2008 :
Attorney Docket No.: ONEILL-2 CON :

This is a decision on the petition, filed March 29, 2010, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed August 4, 2009, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on February 18, 2010.

In response, on March 29, 2010, the present petition was filed, wherein petitioner asserts that the response was timely filed. To support this assertion, petitioner submitted a copy of the response, including a copy of a postcard receipt which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) of, *inter alia,* an Amendment and Time Extension Petition (3 month) on February 12, 2010. It is noted that the postcard indicates a mailing date of February 4, 2010.

A review of the application file confirms that the amendment and the petition for extension of time were present therein on February 12, 2010 and each paper included a proper Certificate of Mailing under 37 CFR 1.8 dated February 4, 2010. Therefore, petitioner is correct. In view of the appropriate extension of time (and fee) filed February 12, 2010, using the Certificate of Mailing dated February 4, 2010, the response was timely.

The Notice of Abandonment mailed February 18, 2010 was mailed in error and is hereby withdrawn.

This application is being referred to Technology Center AU 3728 for appropriate action in the normal course of business on the reply received February 12, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries regarding prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MALLOY & MALLOY, P.A.
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI FL 33129

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of :
Michael PERLMAN, et al :
Application No. 12/079,077 : DECISION ON PETITION
Filed: March 24, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1.527-A.08 : 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 declaration statement signed by Applicant Sidney Perlman. 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 1792 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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APR 28 2010

OFFICE OF PETITIONS

RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

In re Application of
GUTIERREZ, Robert et al.
Application No. 12/079,096
Filed: March 25, 2008
Attorney Docket No. **65837-8016US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 07, 2010.

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 VERTIFLEX, INC. has been revoked by the assignee of the patent application on January 15, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PERKINS COIE LLP**
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A.
POST OFFICE BOX 10095
TALLAHASSEE FL 32302-2095

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JUL 18 2008

In re Application of :
John T. Sims :
Application No. 12/079,102 : ON PETITION
Filed: May 5, 2008 :
Attorney Docket Number: 19976-17103 :

This is a decision on the petition under 37 CFR 1.182, filed May 5, 2008, in response to the Notice of Omitted Items mailed April 11, 2008.

The application was filed March 25, 2008 but on April 11, 20085, the Office of Data Management mailed a Notice of Omitted Item(s) in a Nonprovisional Application stating that the application had been accorded a filing date of March 25, 2008 but that Figures 5, 6, 7, 8, 9, 10, 11 and 12 described in the specification (description and claims) appeared to have been omitted from the application.

In response, the present petition was filed with copies of Figures 5, 6, 7, 8, 9, 10, 11 and 12 and a newly executed oath. Petitioner concedes that Figures 5, 6, 7, 8, 9, 10, 11 and 12 in fact were inadvertently not included with the other application papers upon filing on March 25, 2008 and requests the filing date be changed to the date of receipt of the previously omitted items.

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)).

Accordingly, the petition is **GRANTED** and in accordance with applicant's request, the application will be processed and examined with a filing date of May 5, 2008, the date of receipt of the omitted drawing figures, using the papers filed on March 25, 2008 and the drawings previously omitted but submitted with the petition.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing, and for a correction of the filing date to May 5, 2008.

Telephone inquiries related 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

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CST

September 23, 2009

In re application of	:	DECISION ON REQUEST TO
Jae Bong Lee et al	:	PARTICIPATE IN PATENT
Serial No. 12/079,115	:	PROSECUTION HIGHWAY
Filed: March 25, 2008	:	PILOT PROGRAM AND
For: POUCH TYPE LITHIUM	:	PETITION TO MAKE SPECIAL
SECONDARY BATTERY	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed on July 7, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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DEC 17 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of :
FUKAYA, NAOKI et al :
Application No. 12/079,134 :
Filed: March 26, 2008 :
Attorney Docket No. 4041J-001434 :

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

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 28, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO, OR 97124

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MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of :
JOHNSON, Morgan T. et al. :
Application No. 12/079,159 :
Filed: March 24, 2008 :
Attorney Docket No. **AISI.P031** :

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 statement by Morgan T. Johnson 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.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Alexandria, VA 22313-1450
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CHERSKOV & FLAYNIK
THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE, SUITE 1447
CHICAGO, IL 60606

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of :
James TAYLOR, et al. :
Application No. 12/079,172 : DECISION ON PETITION TO MAKE
Filed: March 24, 2008 : SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **0258-02073** :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 2009 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification by registered attorney Szymon M. Gurda registration number 58451, attesting to the age of inventor Herbert Jacobson. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

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

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.

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

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

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OFFICE OF PETITIONS

In re Patent No. PP19961 :
Issue Date: April 28, 2009 :
Application No. 12/079,192 : ON PETITION
Filed: March 25, 2008 :
Attorney Docket No. 1574-015PP :

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

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO OR 97124

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JUL 16 2008

In re Application of	:	
Morgan T. Johnson	:	
Application No. 12/079,202	:	DECISION ON PETITION
Filed: March 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. AISI. P032	:	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 2829 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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Viridis Waste Control, LLC
9249 Lerwick Drive
Dublin OH 43017-9492

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JUL 07 2008

OFFICE OF PETITIONS

In re Application of :
Subbarayan et al. :
Application No. 12/079,207 :
Filed: March 25, 2008 :
Attorney Docket No. 86445-0001 :

Decision Dismissing Petition
Under 37 CFR 1.47(a) as Moot

This is a decision on the petition under 37 CFR 1.47(a), filed March 25, 2008.

The petition is **dismissed as moot**.

The petition appears to be a request to accept a declaration without the signatures of two of the four inventors. However, the only declaration that has been filed is signed by all of the inventors. Therefore, relief under 37 CFR 1.47(a) cannot be granted.

Although relief under 37 CFR 1.47(a) cannot be granted, such relief appears unnecessary. The instant application is a continuation of Application No. 11/096,170. One may submit a copy of a signed declaration from a parent application when filing a continuation application. See 37 CFR 1.63(d)(1). Petitioner has supplied a copy of the declaration from the prior application signed by all of the inventors. Therefore, a new declaration is not necessary.

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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Viridis Waste Control, LLC
9249 Lerwick Drive
Dublin, OH 43017-9492

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MAY 27 2009

OFFICE OF PETITIONS

In re Application of Subbarayan et al. :
Application No. 12/079,207 : Decision on Petition
Filing Date: March 25, 2008 :
Attorney Docket No. 86445-0001 :

This is a decision on the petition filed April 2, 2009, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.321(b)(1).

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183."

Facts

Application No. 11/096,170

Application No. 11/096,170 was filed March 31, 2005.

The declaration filed June 16, 2005, listed three inventors and was signed by all three inventors. The declaration gave power of attorney to representatives associated with Customer No. 10291.

On March 17, 2006, the representatives associated with Customer No. 10291 filed a petition to withdraw as representatives of record.

A power of attorney signed by inventor Subbarayan and a power of attorney signed by inventor Soong were filed March 30, 2008. Both powers of attorney sought to make Gerald E. McGlynn, III, and two other individuals at Bliss McGlynn, P.C., representatives of record. A power of attorney signed by inventor John O' Keefe was not filed.

On April 28, 2006, inventors Subbarayan and Soong assigned all their rights in the application, and any future continuations based on the application, to CTI and Associates, Inc. ("CTI"). Inventor Subbarayan was the president of CTI.

A response to an Office action was filed May 8, 2006. The response was signed by Gerald McGlynn.

A request under 37 CFR 1.48(a) to add Jan O'Keefe as an inventor of record was filed July 28, 2006. The request included CTI's consent to the addition of Jan O'Keefe and a new declaration signed by all four inventors. The new declaration did not give power of attorney to any individuals.

A decision granting the March 17, 2006 request to withdraw as representatives of record was mailed August 18, 2006. The decision indicated, in part, that the powers of attorney filed March 30, 2008, would not be entered because they only included the signatures of two inventors. The decision also indicated all future correspondence would be sent to the home address for inventor Subbarayan.

The Office mailed a Notice of Allowance on December 1, 2006.

On January 4, 2007, CTI and Associates, Inc. assigned its interests in the application, and any future continuation applications, to Accelerated Landfill Technology, LLC ("Accelerated").

An issue fee transmittal form was filed January 8, 2007. The form includes inventor Subbarayan's signature dated January 5, 2007, and listed only one assignee - CTI and Associates, Inc.

On January 12, 2007, the Office mailed a notice stating the Office was withdrawing the application from issuance.

On January 31, 2007, the Office mailed an Office action under *Ex parte Quayle*, 1935 Dec. Comm'r Pat. 11 (1935).

Prior to receiving a response to the January 31, 2007 Office action, the Office mailed a non-final Office action on May 24, 2007.

On May 25, 2007, John O'Keefe and Jan O'Keefe assigned all their rights to Viridis Waste Control LLC ("Viridis").

An amendment signed by all four inventors was filed August 23, 2007.

The Office mailed a final Office action on September 4, 2007.

An amendment signed by all four inventors was filed November 9, 2007.

A Notice of Allowance was mailed January 7, 2008.

An issue fee transmittal form was filed January 25, 2008. The issue fee transmittal form only listed one assignee - Viridis Waste Control LLC. The form is signed by Phil Kabealo. A paper

filed in Application No. 12/079,207 indicates Phil Kabealo has the title of "General Manager" at Viridis.

The application issued as a patent on March 25, 2008.

Application No. 12/079,207

Application No. 12/079,207 was filed March 25, 2008.

The application papers filed March 25, 2008, included a copy of the declaration signed by all four inventors from the parent application. The application papers included a transmittal sheet containing the signature of Phil Kabealo on behalf of Viridis. The application papers did not include a power of attorney.

The application papers included a document titled, "Petition Under 37 CFR 1.47." The petition asserted Viridis was executing the continuation application on behalf of all four inventors. The petition asserted inventors Subbarayan and Soong had refused "to execute the Transmittal." The petition did not include a copy of any letters or the "Transmittal" sent to the inventors or to Attorney Gerald E. McGlynn. The petition did not specify exactly how an inventor can execute a Transmittal.

A decision on the petition was mailed July 7, 2008. The decision dismissed the petition as moot because relief under 37 CFR 1.47 was unnecessary since the declaration filed March 25, 2008, was signed by all four inventors.

On October 2, 2008, the Office mailed a non-final Office action that included a nonstatutory double patenting rejection.

The instant petition and payment for a four-month extension of time were filed April 2, 2009. The petition is signed by Phil Kabealo.

The petition seeks for the Office to allow Viridis to file a terminal disclaimer to overcome the double patenting rejection set forth in the October 2, 2008 Office action.

The petition includes a statement by Attorney Samuel Haidle indicating he contacted Accelerated, via its attorney, Gerald McGlynn, to determine if Accelerated would execute a terminal disclaimer. Haidle indicates he was informed that Accelerated would not execute the terminal disclaimer or any other documents for the instant application.

The terminal disclaimer filed with the petition states,

> The owner, Viridis Waste Control, LLC, of 100% interest in the instant Application by virtue of the enclosed Petition ... and the assignment recorded on April 2, 2009, ... hereby disclaims [to the extent indicated herein] the terminal part of the statutory part of the statutory term of any patent granted on the above identified application....

Discussion

The Terminal Disclaimer Filed With the Petition Will Not be Accepted.

The terminal disclaimer filed with the petition is unacceptable. The terminal disclaimer states Viridis is the 100% owner of rights in the application. However, such a fact is not true.

The Office notes more than one terminal disclaimer can be filed in an application. Therefore, one terminal disclaimer can be filed that names Viridis as an owner of a 50% interest in the application and a second terminal disclaimer can be filed at the same time naming Accelerated as an owner of a 50% interest in the application.

The Petition to Allow Viridis to Sign a Terminal Disclaimer on Behalf of Accelerated Will Not Be Granted.

The instant petition is only signed by Phil Kabealo. Mr. Kabealo is not an inventor, is an employee of only one of the assignees, and is not a registered patent attorney or agent. In other words, the petition is not properly signed.

The amendment is only signed by Phil Kabealo. In other words, the amendment is not properly signed.

Although the petition appears on the surface to simply be a request for Viridis to sign a terminal disclaimer on behalf of Accelerated, the petition actually appears to be an implicit request to allow Viridis, via an officer such as Kabealo, sign all papers in this application.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate the existence of an extraordinary situation where justice requires waiver of a regulation. Per Office policy, "justice" does not require an extraordinary remedy when a petitioner has a remedy available that does not require the extraordinary remedy of invoking 37 CFR 1.183, even if the other avenue for relief is more expensive or time consuming. As will be discussed, an alternative avenue to obtain the requested remedy exists in this case. Therefore, the petition will not be granted.

Viridis may obtain the right to sign papers, including terminal disclaimers, by obtaining status under 37 CFR 1.47(a) in a case. Unfortunately, status under 37 CFR 1.47(a) cannot be obtained in the instant case because petitioner filed a declaration signed by all four inventors. Petitioner may wish to file a continuation application with a grantable petition under 37 CFR 1.47(a) and a declaration *only* signed by inventors John O'Keefe and Jan O'Keefe. Once a decision is issued granting the petition, Viridis will have the ability to sign papers in the new application. For example, as stated in MPEP 402.10, "In an application filed under 37 CFR 1.47(a), an assignee of the entire interest of the available inventors (i.e., the applicant) who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.36(a) or 1.183."

The Office notes Viridis will not be able to directly sign a Terminal Disclaimer on behalf of Accelerated in the new application. However, Viridis will have the capability of giving a power of attorney to a registered patent attorney or agent who will then be able to sign the terminal disclaimer on behalf of Accelerated.

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

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

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

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Technology Center Art Unit 3672 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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LOS ANGELES CA 90071

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MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher Lee Halasz et al	:	DECISION REFUSING STATUS
Application No. 12/079,216	:	UNDER 37 CFR 1.47(b)
Filed: March 25, 2008	:	
Attorney Docket No. 728256-100324	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed December 17, 2009.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks items (1, 2, 3, 4, 5 and 6) set forth above.

Additionally, it appears that the petition filed on December 17, 2009 is a conditional petition which is not proper.

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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GRANT R CLAYTON
CLAYTON HOWARTH & CANNON, PC
P O BOX 1909
SANDY UT 84091-1909

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AUG 0 5 2009

OFFICE OF PETITIONS

In re Application of :
HARMON, LARRY SHANE :
Application No. 12/079,239 :
Filed: 03/24/2008 :
Attorney Docket No. 9851CIP3 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 27, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision on the petition under 37 CFR 1.181 must be submitted with TWO (2) MONTHS of the mailing date of the decision. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

On April 17, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to submit an executed oath or declaration, replacement drawings, the statutory basic filing fee, search fee, examination fee, additional claim fees, and a surcharge (for the late submission of the filing fee, search fee, examination fee, and the oath or declaration).

On November 17, 2008, applicant submitted a request for an extension of time for response within the fifth month (and fee), an executed declaration, replacement drawings, the statutory basic filing fee, search fee, examination fee, and a preliminary amendment cancelling claims 20-26 and 28-40. However, applicant did not pay nor authorize payment of the $65.00 surcharge as required by the Notice to File Missing Parts. Furthermore, the declaration, filed November 17, 2008, is defective because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be "material to patentability as defined in 37 CFR 1.56." Rather, the declaration states that the person making the declaration acknowledges "the duty to disclose all information which is material to examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations."

As applicant did not submit a timely and proper reply to the Notice to File Missing Parts, the application became abandoned on November 18, 2008. On November 28, 2008, the Office mailed a Notice of Abandonment.

The showing of record is that the abandonment resulted from applicant's failure to respond in a timely and proper manner to the Notice to File Missing Parts, rather than an error on the part of the USPTO. Accordingly, the application is properly held abandoned.

With any renewed petition, applicant must submit the $65.00 surcharge, accompanied by a new declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date and signed by the inventor. See MPEP 602.01 and 602.02.

Applicant may wish to submit a petition to revive the application under 37 CFR 1.137(b). A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The required reply to the outstanding Office action or Notice;

(2) The petition fee as set forth in 1.17(m); and,

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

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

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

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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CLAYTON HOWARTH & CANNON, PC
P O BOX 1909
SANDY UT 84091-1909

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JAN 15 2010

OFFICE OF PETITIONS

In re Application of :
HARMON, LARRY SHANE :
Application No. 12/079,239 :
Filed: 03/24/2008 :
Attorney Docket No. 9851CIP3 :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed October 5, 2009, to withdraw the holding of abandonment in the above-identified application. This is also a decision on the petition under 37 CFR 1.137(b) to revive the application.

The petition under 37 CFR 1.181 is **DISMISSED**.

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

On April 17, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to submit an executed oath or declaration, replacement drawings, the statutory basic filing fee, search fee, examination fee, additional claim fees, and a surcharge (for the late submission of the filing fee, search fee, examination fee, and the oath or declaration).

On November 17, 2008, applicant submitted a request for an extension of time for response within the fifth month (and fee), replacement drawings, the statutory basic filing fee, search fee, examination fee, a copy of a declaration from a prior nonprovisional application, and a preliminary amendment cancelling claims 20-26 and 28-40. However, applicant did not pay nor timely authorize payment of the $65.00 surcharge as required by the Notice to File Missing Parts. As applicant did not submit a timely and complete reply to the Notice to File Missing Parts, the application became abandoned on November 18, 2008. On November 28, 2008, the Office mailed a Notice of Abandonment. Thereafter, on January 27, 2009, applicant filed a petition to withdraw the holding of abandonment, which was dismissed by the decision of August 5, 2009.

On October 5, 2009, applicant filed the present renewed petition to withdraw the holding of abandonment or, in the alternative, a petition to revive the application pursuant to 37 CFR 1.137(b).

On petition, applicant asserts that he fully and completely responded to the Notice to File Missing Parts. Applicant states that he provided an acceptable reply in the form of a copy of an executed declaration from a prior nonprovisional application as permitted by MPEP 602.05(a). Furthermore, with regard to the payment of the $65.00 surcharge, applicant asserts that an "authorization to 'charge any additional fees... to Deposit Account No. 50-0836' appears in the present application and, if Applicant in fact failed to pay the surcharge at the time of filing the response to the Notice to File Missing Parts, such 'additional fee' should have been charged to Deposit Account No. 50-0836, which appeared over the undersigned's signature." *Petition, 10/05/09 p. 3 (footnote omitted).* Additionally, "Applicant submits that the authorization, while not as clear, in hindsight, as it might have been was clear and unambiguous enough to avoid the harsh result of abandonment of the present application." *Petition, 10/05/09 p. 3 n.5.*

Upon further review, the Office concludes that the declaration, filed November 17, 2008, was an acceptable and timely reply to the Notice to File Missing Parts. The Office notes:

> For continuing applications filed under 37 CFR 1.53(b), other than continuation-in-part applications, the Office will accept an oath or declaration that contains the outdated language if the oath or declaration otherwise complies with 37 CFR 1.63, and either: (1) was filed prior to June 1, 2008; or (2) is being filed in a continuation or divisional application in which a claim for benefit under 35 U.S.C. 120 has been made to a prior-filed copending nonprovisional application, and the oath or declaration is a copy of the previously accepted oath or declaration that was filed prior to June 1, 2008.

Duty of Disclosure Language Set Forth in Oaths or Declarations Filed in Nonprovisional Patent Applications 1327 OG 112 (February 12, 2008).

Nevertheless, the Office finds that the application was properly held abandoned for failure to submit a timely payment or an authorization to charge the Deposit Account for the surcharge within the period for reply set forth in the Notice to File Missing Parts. Applicant asserts that an authorization to charge any additional fee appears in the present application. However, after reviewing the record no such timely authorization to charge the Deposit Account was located among the application papers. Moreover, applicant did not provide a copy of any paper containing a timely general authorization to charge the Deposit Account for the surcharge nor did he identify where in the record the authorization could be found. Lastly, the Office notes:

> It is extremely important that the authorization be clear and unambiguous. If applicants file authorizations which are ambiguous and deviate from the usual forms of authorizations, the Office may not interpret the authorizations in the manner applicants intend and may return the fees. As a result, applicants could be subject to further expenses, petitions, etc. in order to have a particular fee charged to a deposit account (which was not charged as intended) or to resubmit a fee(s) due to an ambiguous authorization.

MPEP 509.01(I).

Accordingly, the showing of record is that the abandonment resulted from applicant's failure to file a timely and complete response to all of the requirements set forth in the Notice to File Missing Parts

rather than an error on the part of the USPTO. As the application was properly held abandoned, the renewed petition to withdraw the holding of abandonment cannot be granted.

As to the petition under 37 CFR 1.137(b), the petition satisfies the requirements of 37 CFR 1.137(b). Petitioner has supplied (1) the reply; (2) the petition fee; and (3) an adequate statement of unintentional delay.

It is noted that 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 this paragraph was unintentional" be submitted. However, the statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

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

The petition fee of $810.00 will be charged to the Deposit Account as authorized.

This matter is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 398
AUSTIN TX 78767-0398

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JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Lockwood et al.	:	
Application No. 12/079,253	:	DECISION ON PETITION
Filed: March 24, 2008	:	
Attorney Docket No. 5777-03302	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 Missing Parts of Nonprovisional Application (Notice), mailed April 22, 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 23, 2008. A 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 an Oath/Declaration and surcharge fee of $65.00, a substitute Specification, Replacement drawings, a Basic electronic filing fee of $82.00, a Search fee of $270.00, an Examination fee of $110.00, an additional claims surcharge fee of $130.00, and an excess pages fee of $135.00. (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

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

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

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NEW BERN NC 28562

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APR 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Hasslberger, et al.	:	
Application No. 12/079,289	:	DECISION ON PETITION
Filed: March 26, 2008	:	
Attorney Docket No. 2007P00650 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 18, 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 19, 2008. The Notice of Abandonment was mailed December 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, replacement drawings, an oath 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 of Patent Application Processing for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

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Allan Chan
Suite 700
225 Broadway
New York NY 10007

In re Application of
Alice Hampton
Application No. 12/079,291
Filed: March 26, 2008
Attorney Docket No.

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 26, 2010 and a supplemental request on May 18, 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. 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 Allan Chan, sole attorney of record. Allan Chan has been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ms. Alice Hampton
313 West 57th Street
Apt. 6C
New York, NY 10019

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
12/079,291	03/26/2008	Alice Hampton	

CONFIRMATION NO. 6067

POWER OF ATTORNEY NOTICE

Allan Chan
Suite 700
225 Broadway
New York, NY 10007

OC000000041747039

Date Mailed: 05/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/26/2010.

- 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.

/kainabinet/

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

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MAY 24 2010

OFFICE OF PETITIONS

Ms. Alice Hampton
313 West 57th Street
Apt. 6C
New York NY 10019

In re Application of	:	
Alice Hampton	:	
Application No. 12/079,291	:	DECISION ON PETITION
Filed: March 26, 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 April 22, 2010, to make the above-identified application special based on applicant's age and health 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 the passport of inventor Alice Hampton and a statement by the inventor as proof of age. The above-identified application has been accorded "special" status.

The petition to make special based on Health is **GRANTED**. Petitioner's supplied a medical certificate.

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 3732 for action on the merits commensurate with this decision.

/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

MAILED

MAY 24 2010

OFFICE OF PETITIONS

Allan Chan
Suite 700
225 Broadway
New York NY 10007

In re Application of	:	
Alice Hampton	:	
Application No. 12/079,295	:	DECISION ON PETITION
Filed: March 26, 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 April 26, 2010 and a supplemental request on May 18, 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. 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 Allan Chan, sole attorney of record. Allan Chan has been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ms. Alice Hampton
313 West 57th Street
Apt. 6C
New York, NY 10019

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
12/079,295	03/26/2008	Alice Hampton	

CONFIRMATION NO. 6068

POWER OF ATTORNEY NOTICE

Allan Chan
Suite 700
225 Broadway
New York, NY 10007

Date Mailed: 05/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/26/2010.

- 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.

/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

Ms. Alice Hampton
313 West 57th Street
Apt. 6C
New York NY 10019

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Alice Hampton :
Application No. 12/079,295 : DECISION ON PETITION
Filed: March 26, 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 April 22, 2010, to make the above-identified application special based on applicant's age and health 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 the passport of inventor Alice Hampton and a statement by the inventor as proof of age. The above-identified application has been accorded "special" status.

The petition to make special based on Health is **GRANTED**. Petitioner's supplied a medical certificate.

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 3732 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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 :
AHTISAARI, MARKO :
Application No. 12/079,312 :
Filed: March 26, 2008 :
Attorney Docket No. 07158D/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 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
AHTISAARI, MARKO
Application No. 12/079,312
Filed: March 26, 2008
Attorney Docket No. 07158D/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**.

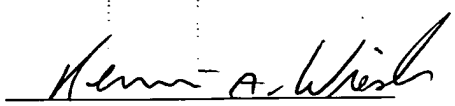
A grantable request to participate in the PPH pilot program and petition to make special require:

(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

HARRY V. MCGAHEY JR.
1532 SIXTH AVENUE
SAN DIEGO CA 92101

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Veronica Gwen Jack	:	
Application No. 12/079,343	:	DECISION ON PETITION
Filed: March 26, 2008	:	TO WITHDRAW
Attorney Docket No. V. Jack Ear Protector	:	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 26, 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 Harry V. McGahey, Jr. on behalf of all attorneys of record who are associated with customer No. 59580. All attorneys/agents associated with the Customer Number 59580 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: VERONICA JACK
PO BOX 380
LEMON GROVE, CA 91916

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
12/079,343	03/26/2008	Veronica Gwen Jack	V. Jack Ear Protector

CONFIRMATION NO. 9765

POWER OF ATTORNEY NOTICE

59580
HARRY V. MCGAHEY JR.
1532 SIXTH AVENUE
SAN DIEGO, CA 92101

Date Mailed: 02/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/26/2009.

- 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

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/079,349	03/26/2008	Richard A. Altman	114700.010100/US/2	1086

7590 04/16/2009

GREENBERG TRAURIG (HOU)
INTELLECTUAL PROPERTY DEPARTMENT
1000 Louisiana Street
Suite 1800
Houston, TX 77002

EXAMINER	
BRAHAN, THOMAS J	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
04/16/2009	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.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/29/2009 KKING1
03/28/2008 LTRUONG 00000018 12079349
02 FC:2111 -255.00 OP
04 FC:2202 -200.00 OP

Repln. Ref: 04/29/2009 KKING1 0015153600
DA#:502638 Name/Number:12079349
FC: 9204 $455.00 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.
12/079,349	03/26/2008	Richard A. Altman	114700.010100/US/2	1086

7590 04/16/2009

GREENBERG TRAURIG (HOU)
INTELLECTUAL PROPERTY DEPARTMENT
1000 Louisiana Street
Suite 1800
Houston, TX 77002

EXAMINER	
BRAHAN, THOMAS J	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
04/16/2009	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.

Kalettus 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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/079,352	03/26/2008	David D. Nolte	PRF04-0414	1089

43218 7590 07/08/2010

TAFT STETTINIUS & HOLLISTER LLP
ONE INDIANA SQUARE, SUITE 3500
INDIANAPOLIS, IN 46204-2023

EXAMINER	
LYONS, MICHAEL A	

ART UNIT	PAPER NUMBER
2877	

NOTIFICATION DATE	DELIVERY MODE
07/08/2010	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):

efspatents@sommerbarnard.com
EFSPatents@TaftLaw.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

Paper No. 092004

TAFT STETTINIUS & HOLLISTER LLP
ONE INDIANA SQUARE, SUITE 3500
INDIANAPOLIS IN 46204-2023

In re Application of:
NOLTE et al.
Serial No.: 12/079,352
Filed: March 26, 2008
Attorney Docket No.: PRF04-0414

PETITION TO ACCEPT COLOR DRAWINGS UNDER 37 CFR § 1.84(a)(2)

This is a decision on the petition filed March 26, 2008 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

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

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: Kok Heng Choe	: DECISION ON REQUEST FOR
Patent Number	: 7586327	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/079,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2008	: 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
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OFW Sep-08

CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

COPY MAILED

SEP 12 2008

In re Application of	:	
Barnard and Steininger	:	
Application No. 12/079380	:	DECISION REFUSING STATUS
Filing Date: 03/26/2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket Number: 07-19270	:	

This is in response to the "PETTION TO SIGN DECLARATION ON BEHALF OF NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.47 and M.P.E.P. § 409.03," filed on July 17, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

On March 26, 2008, the application was filed with a declaration naming Robert A. Barnard and Ted William Steininger as joint inventors, signed by joint inventor Barnard.

Accordingly, on April 24, 2008, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring joint inventor Steininger's signature on the declaration and a surcharge for its late filing.

On July 17, 2008, a response to the Notice to File Missing Parts of Nonprovisional Application mailed on April 24, 2008, was

filed, accompanied by a petition for a one (1) month extension of time. The present petition was also filed.

Petitioners assert that joint inventor Ted William Steininger is deceased, and that Greg Steininger is his legal representative. Petitioners further assert that a copy of the application has been sent to the legal representative, but that the legal representative has failed to sign and return the declaration.

37 CFR 1.42 states, in part:

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

37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor, or legal representative thereof, 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, or legal representative thereof.

The petition lacks item (2).

With regard to item (2), the oath or declaration must identify the name, residence, mailing address, and citizenship of the legal representative(s) of the deceased inventor, and state that the legal representative is signing on behalf of the deceased joint inventor. The declaration must identify the deceased joint inventor by name. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, containing the information described in this paragraph, is required.

The petition is dismissed because the oath or declaration does not identify the legal representative. A new oath or declaration, signed by the signing inventor on behalf of himself and the legal representative of the deceased joint inventor must be submitted with any renewed petition.

All of the signing inventors must sign the Declaration for application on behalf of themselves and the non-signing

inventors. The declaration is acceptable if all the signing inventors signed in their respective signature blocks and the signature block of the non-signing inventor is left blank, or all the signing inventors sign a statement saying that they are signing on behalf of the non-signing inventor.

Petitioners state that a copy of the death certificate for the deceased joint inventor has been filed with the petition. A review of the papers filed, however, reveals that no copy of the death certificate is located therewith. A copy of the death certificate should be filed with the renewed petition.

It is noted that the fee for a petition under 37 CFR 1.47 is $200.00. As such, the balance of the fee due will be charged to counsel's deposit account.

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

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DFW Dec-08

CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

COPY MAILED
DEC 0 8 2008

In re Application of	:	
Barnard and Steininger	:	
Application No. 12/079380	:	DECISION REFUSING STATUS
Filing Date: 03/26/2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket Number: 07-19270	:	

This is in response to the request for reconsideration of petition under 37 CFR 1.47(a), filed on November 11, 2008.

The petition is **GRANTED**.

Petitioners have shown that the legal representative of the deceased inventor has refused to sign the declaration after having been sent a copy of the application. Specifically, petitioners have shown that a copy of the application was sent to Greg W. Steininger, the son and legal representative of deceased inventor Ted William Steininger. Mr. Greg W. Steininger has failed to sign and return the declaration, however, naming him as the legal representative of deceased inventor Ted William Steininger along with joint inventor Robert Barnard.

The above-identified reissue 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 legal representative at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

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 Dec-08

Greg Steininger
1425 Colchester Place
Oak Park CA 91377

COPY MAILED
DEC 0 8 2008

In re Application of
Barnard et al.
Application No. 12/079,380
Filed: March 26, 2008
For: SHAMPOO FORMULATION FOR TREATMENT OF HAIR LOSS AND METHOD OF USE

Dear Mr. Steininger:

You are named as the legal representative of the deceased 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 the deceased inventor will be designated therein as a joint inventor.

As the named legal representative 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

CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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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. PP19962 :
Issue Date: April 28, 2009 :
Application No. 12/079,381 : ON PETITION
Filed: March 26, 2008 :
Attorney Docket No. 1574-017PP :

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

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Jerome Dubuis	: DECISION ON REQUEST FOR
Patent Number	: 7663975	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/079,393	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/26/2008	: 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.

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SEP 28 2009

OFFICE OF PETITIONS

VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

In re Application of :
Norival R. Figueira et al :
Application No. 12/079,413 : DECISION ON PETITION
Filed: March 25, 2008 : TO WITHDRAW
Attorney Docket No. HAMMP016 : 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 24, 2009.

The request is **APPROVED**.

The request was signed by Lee Van Pelt on behalf of the practitioners of record who are associated with Customer No. 21912.

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Norival R. Figueira
640 Clyde Court
Mountain View, CA 94043

cc: Greg Leitich
804 Baylor Street
Austin, TX 78703

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/079,413	03/25/2008	Norival R. Figueira	HAMMP016

CONFIRMATION NO. 9715

POWER OF ATTORNEY NOTICE

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

OC00000037924451

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/24/2009.

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

/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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/079,413	03/25/2008	Norival R. Figueira	HAMMP016

CONFIRMATION NO. 9715

Norival R. Figueira
640 Clyde Court
Mountain View, CA 94043

POA ACCEPTANCE LETTER

OC00000003792457 1

Date Mailed: 09/28/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/24/2009.

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

/idingle/

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

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www.uspto.gov

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Mark V. BISHOP :
Application No. 12/079,455 : DECISION GRANTING PETITION
Filed: March 27, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **U 017248-3** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 9, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 23, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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SMYRSKI LAW GROUP
A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA, CA 90405

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Josh Green, et al. :
Application No. 12/079,460 : DECISION ON PETITION
Filed: March 26, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. REAL0169 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 26, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement signed by applicant Lenny Lipton. 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 to await a reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 23, 2008. This application will be accorded "special" status once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

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JAMES J. LEARY
6419 ELLENWOOD AVE.
ST. LOUIS MO 63105

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
Van der Leest, et al. :
Application No. 12/079,472 : DECISION
Filed/Deposited: 27 March, 2008 :
Attorney Docket No. TO RENAL :

This is a decision on the petition, filed 1 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(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 reply requirement under the rule. This deficiency must be overcome.

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 Corrected Application Papers (drawings) mailed on 21 April, 2008, with reply due absent extension of time on or before 21 June, 2008.

The application went abandoned by operation of law after midnight 21 June, 2008.

The Office mailed the Notice of Abandonment on 29 December, 2008.

On 1 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with statement of unintentional delay, but no reply—the drawings remain due. (Petitioner appears to have resubmitted the oath/declaration previously submitted.)

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]

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to a petition pursuant to 37 C.F.R. §1.137.

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.

---

[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.

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.

CONCLUSION

Accordingly, the 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

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

[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 Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREGORY SMITH
& ASSOCIATES
3900 NEWPARK MALL ROAD,
3RD FLOOR
NEWARK CA 94560

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MAR 15 2010

In re Application of	:	
Van der Leest, et al.	:	
Application No. 12/079,472	:	DECISION
Filed/Deposited: 27 March, 2008	:	
Attorney Docket No. TO RENAL	:	

This is a decision on the petition, filed 14 December, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

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 Corrected Application Papers (drawings) mailed on 21 April, 2008, with reply due absent extension of time on or before 21 June, 2008.

The application went abandoned by operation of law after midnight 21 June, 2008.

The Office mailed the Notice of Abandonment on 29 December, 2008.

On 1 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with statement of unintentional delay, but no reply—the drawings remained due, and the petition was dismissed on 14 September, 2009.

On 14 December, 2009, Petitioner filed, *inter alia*, a request and fee for extension of time, renewed the petition pursuant to 37 C.F.R. §1.137(b), with statement of unintentional delay, and supplemented the reply in the form of drawings due.

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to a petition pursuant to 37 C.F.R. §1.137.

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.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the 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

---

[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.

[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.

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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

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APR 22 2008

OFFICE OF PETITIONS

In re Application of :
LIPTON, Lenny :
Application No. 12/079,484 :
Filed: March 26, 2008 :
Attorney Docket No. REAL0173 :

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 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 statement and passport of inventor Lenny Lipton, 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/079,559	03/26/2008	Sang-Jin Jeon	AB-2619 US	2067

7590 04/13/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/15/2009 NFARMER
03/31/2008 ABELETE1 00000115 502257 12079559
02 FC:1111 510.00 CR
04 FC:1202 250.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

R. Blake Johnson
DLA Piper US LLP
Suite 1900
203 N. LaSalle St.
Chicago IL 60601

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AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark White	:	
Application No. 12/079,572	:	DECISION ON PETITION
Filed: March 24, 2008	:	PURSUANT TO
Attorney Docket No.: PRB-07-5042R	:	37 C.F.R. § 1.182
Title: DIVIDED TITLE PROPERTY ALLOCATION METHOD AND SYSTEM	:	

This is a decision on the petition filed June 18, 2008, requesting that the above-identified application, including Figures 5-9, be accorded a filing date of March 24, 2008 as part of the original disclosure.

The application was deposited on March 24, 2008. However, on April 22, 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 Figures 5-9 appeared to have been omitted on filing. The notice set a two-month period of reply.

In response, on June 18, 2008, applicants filed this petition. The petition is further accompanied by, *inter alia*, a copy of Figures 5-9, along with a copy of Applicants' postcard receipt acknowledging receipt of "28 Sheets of Drawings" in the United States Patent and Trademark Office (Office) on March 24, 2008. Applicants request that Figures 5-9 be accorded a filing date of March 24, 2008.

Upon review of the electronic file, Figures 1-4 have been located, along with an 8-page contract that is labeled "Fig. 5" (totaling 12 pages). Figures 6-9 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 24, 2008 included Figures 6-9, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including Figures 5-9, was complete on filing and entitled to a filing date of March 24, 2008 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED**.

The notice mailed April 22, 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 March 24, 2008, using the original application papers filed on that date, as well as Figures 6-9 submitted on June 18, 2008, and;
- noting in Office records that Figures 6-9 were present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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GREENBERG TRAURIG, LLP
200 PARK AVE.
P.O. BOX 677
FLORHAM PARK, NJ 07932

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DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Gordana Vunjak-Novakovic, et al. :
Application No. 12/079,629 : DECISION ON PETITION
Filed: March 26, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 103248-010511 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 6, 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 applicant's representative that he is in possession of proof that applicant Arthur A. Gertzman's age. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 1657 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WIESNER & ASSOCIATES
366 CAMBRIDGE AVENUE
PALO ALTO CA 94306

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of :

Chris Mittlestaedt :

Application No. 12/079,640 : ON PETITION

Filed: March 27, 2008 :

Attorney Docket No. **00144-000400000**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 24, 2010.

The petition is **dismissed**.

This application was held abandoned January 7, 2010, after no reply was received to the Notice to File Corrected Application Papers mailed November 6, 2009. The notice set forth a period of reply of two month from its mailing date. No response was received within the allowable period and the application became abandoned on January 7, 2010. A Notice of Abandonment was mailed February 4, 2010. The instant petition was filed on February 24, 2010. Petitioner maintains that the notice of November 6, 2009, 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 not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record**, or other adequate evidence to support petitioner's contention that the Notice of November 6, 2009, was not received. If a master docket does not exist, the renewed petition should indicate such.

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
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Alexandria, VA 22313-1450
www.uspto.gov

WIESNER & ASSOCIATES
366 CAMBRIDGE AVENUE
PALO ALTO CA 94306

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of :

Chris Mittlestaedt :

Application No. 12/079,640 : ON PETITION

Filed: March 27, 2008 :

Attorney Docket No. **00144-000400000**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 9, 2010.

The petition is **granted**.

This application was held abandoned January 7, 2010, after no reply was received to the Notice to File Corrected Application Papers mailed November 6, 2009. The notice set forth a period of reply of two month from its mailing date. No response was received within the allowable period and the application became abandoned on January 7, 2010. A Notice of Abandonment was mailed February 4, 2010. The instant petition was filed on June 9, 2010. Petitioner maintains that the notice of November 6, 2009, 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 response filed June 9, 2010, is noted. The Office of Patent Application Processing will determine whether to consider the response or remail the Notice to File Corrected Application Papers and reset the period for reply thereto.

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

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

/Kenya 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
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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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NOV 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Max Robinson	:	
Application No. 12/079,656	:	ON PETITION
Filed: March 28, 2008	:	
Attorney Docket No. 36290-0555-00-US (421724)	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of :
Max Robinson :
Application No. 12/079,657 : ON PETITION
Filed: March 28, 2008 :
Attorney Docket No. 36290-0556-00-US :
(421725)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 01 2010

OFFICE OF PETITIONS

VertiFlex, Inc.
1351 Calle Avanzado
San Clemente, CA 92673

In re Application of :
Moti Altarac, et. al. :
Application No. 12/079,676 : DECISION ON PETITION
Filed: March 28, 2008 : TO WITHDRAW FROM
Attorney Docket No. 65837-8011us : 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 inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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SUITE 2000
SAN FRANCISCO CA 94104-1715

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AUG 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Hang-Seok Choi et al. :
Application No. 12/079,703 : DECISION REFUSING STATUS
Filed: March 28, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 25503/82801 :

This decision is in response to the petition filed July 28, 2008 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on March 28, 2008, without an oath or declaration. Accordingly, on April 24, 2008, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, the instant petition, a declaration executed by all joint inventors except Jae-Hwoan Chi, in their own stead and on behalf of the non-signing joint inventor and a one month extension of time was filed. Petitioner claims that joint inventor Chi refuses to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1). In regards to item (1), petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor.

Exhibits A and B submitted with the petition purport to show that a complete copy of the application was sent to the non-signing inventor on two separate occasions and that the non-signing inventor received the mail but has not responded to the mail requests for signing the oath or declaration.

Unfortunately however, the proof (Exhibits A and B) is in a language other than English so it is impossible for the Agency to determine what was included in the request to the non-signing inventor.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any) Declaration and the Assignment were sent or given to the non-signing inventor for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refused to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Finally, petitioners are advised that the fee for a petition under 37 CFR 1.47(a) is set at $200.00 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. 50-1597 has been charged in the amount of $70.00 to make up the difference between that which was paid and that which was due.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

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

By mail: Mail Stop Petitions

---

[1] MPEP 409.03(d).

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO CA 94104-1715

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of :
Hang-Seok Choi et al. :
Application No. 12/079,703 : DECISION ACCORDING STATUS
Filed: March 28, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 25503/82801 :

This decision is in response to the request for reconsideration filed under 37 CFR 1.47(a) on October 28, 2008.

The petition is **GRANTED**.

The above-identified application was filed on March 28, 2008, without an oath or declaration. Accordingly, on April 24, 2008, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. In response, a petition filed July 28, 2008 (July 24, 2008 certificate of mail date) with a declaration executed by all joint inventors except Jae-Hwoan Chi, in their own stead and on behalf of the non-signing joint inventor and a one month extension of time was filed. Petitioner claimed that joint inventor Chi refused to sign the declaration. The petition was dismissed in a decision mailed August 28, 2008 because the proof presented did not support a claim that a copy of the complete application had been sent to the non-signing inventor. The decision set a two month period for reply.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

In response to the decision dismissing the petition filed July 28, 2008, the instant petition shows that a copy of the complete application was sent to joint inventor Jae-

Hwoan Chi, but that Jae-Hwoan Chi has not returned an executed copy of the oath or declaration and thus refuses to cooperate with the filing of the instant application.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

DATE 11/23

APPLICATION NUMBER 12/079,703

COPY MAILED

DOC CODE M327

DOC DATE NOV 25 2008

OFFICE OF PETITIONS

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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JAE-HWOAN CHI
1564-20, SHILLIM 2-DONG,
KWANAK-KU,
SEOUL, KOREA

COPY MAILED

NOV 25 2008

OFFICE OF PETITIONS

In re Application of
Hang-Seok Choi et al.
Application No. 12/079,703
Filed: June 5, 2008
For: **QUASI RESONANT SWITCHING MODE POWER SUPPLY**

Dear Mr. Chi:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

SIDLEY AUSTIN LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO CA 94104-1715

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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Robinson, et al. :
Application No. 12/079,730 : DECISION ON PETITIONS
Filing or 371(c) Date: 27 March, 2008 : 37 C.F.R. §1.78(a)(3) AND §(a)(6)
Attorney Docket No. 103147-0007 :

This is a decision on the petition filed 16 September, 2009, pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim 35 U.S.C. §120 and §119(e) for the benefit of a prior filed nonprovisional application and provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

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

The petition does not comply with item **(1)**

37 C.F.R. §1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation,

divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable.

Applicant files the present petition to claim priority of the present application, in relevant part, as a continuation-in-part of application no. 11/982,707, filed 2 November, 2007, which claims priority to Provisional Application No. 60/856,404, filed 2 November, 2006.

Thereafter, however, Petitioner states that Provisional Application No. 60/856,404 "is a continuation in part of and claims benefit of priority to U.S. Patent Application Serial No. 09/686,206 *** filed 10 October, 2000."

Such a claim of priority is not proper.

Before the petition pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) can be considered and granted, a renewed petition pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) and an Application Data Sheet or a substitute amendment (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

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

By mail:
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Director for Patents
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Questions concerning this decision may be directed to John Gillon, attorney, at (571) 272-3214; questions as to the application may be directed to the Technology Center/AU.

Anthony Knight
Supervisor
Office of Petitions

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312 SOUTH THIRD STREET
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In re Application of :
Isaac Jon Hogate :
Application No. 12/079,762 : ON PETITION
Filed: March 28, 2008 :
Attorney Docket No. PA0006615A-U73-12-311KL :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 23, 2009.

The petition under 37 CFR 1.181 is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

The application was held abandoned due to failure to timely file a reply to the "REQUIREMENT FOR STATEMENT UNDER 305(c) OF THE NATIONAL AERONAUTICS AND SPACE ACT", mailed August 6, 2008. This Office action set a statutory period for reply of thirty (30) days. No reply having been received, the application became abandoned on September 6, 2008. The Office mailed applicant a letter informing him that the application was abandoned on October 29, 2008.

To establish nonreceipt of an Office action, a petitioner must: 1). include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket

records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

With the instant petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for the due date of September 5, 2008 (more specifically, petitioner's docket covered the period from September 5, 2008 - September 8, 2008). An entry for the instant application is absent, supporting the conclusion that the August 6, 2008 "REQUIREMENT FOR STATEMENT UNDER 305(c) OF THE NATIONAL AERONAUTICS AND SPACE ACT" was not received.

In view thereof, the petition is granted.

The application is being forwarded to Group Art Unit 3742 for re-mailing of the August 6, 2008 "REQUIREMENT FOR STATEMENT UNDER 305(c) OF THE NATIONAL AERONAUTICS AND SPACE ACT", setting a new 30 day statutory period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II).

[3] Id.

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NEW YORK NY 10017

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MAY 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Tae Kim	:	
Application No. 12/079,765	:	DECISION ON PETITION
Filed: March 28, 2008	:	TO WITHDRAW
Attorney Docket No. PAT001187-001	:	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 March 16, 2010.

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

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 20583 have been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dorsey & Whitney, LLP
Intellectual Property Department
Columbia Center
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043

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PORTLAND, OR 97204

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APR 22 2008

OFFICE OF PETITIONS

In re Application of :
HARRISON, Leslie M. :
Application No. 12/079,775 : DECISION ON PETITION
Filed: March 28, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **P1147.28009** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 the birth certificate of inventor Leslie Mervyn Harrison, attesting to his or her 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
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CHARLES J PRESCOTT PA
2033 WOOD STREET, SUITE 115
SARASOTA, FL 34237

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APR 22 2008

OFFICE OF PETITIONS

In re Application of :
JOHNSTON, Ian F. :
Application No. 12/079,795 : DECISION ON PETITION
Filed: March 27, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **P-2084** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 affidavit of inventor Ian F. Johnston, 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

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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MAR 15 2010

In re Application of	:	
Johnston, Ian Fraser	:	
Application No. 12/079,795	:	DECISION GRANTING PETITION
Filed: March 27, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 64777/N397	:	

This is a decision on the petition, filed January 5, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 26, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 17, 2010, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1797 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/079,795	03/27/2008	Ian Fraser Johnston	64777/N397

CONFIRMATION NO. 2679

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

NONPUBLICATION RESCISSION LETTER

OC000000040539358

Date Mailed: 03/11/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/17/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/lswalsh/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/18/10 Paper No.: ____

TO SPE OF : ART UNIT 1655

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/079853 Patent No.: 7635494 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

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JUN 28 2010

OFFICE OF PETITIONS

In re Application of
Robert D. Cardona et al.
Application No. 12/079,865
Filed: March 28, 2008
Attorney Docket No. 6569

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 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Vanitha M. Elgart, former attorney/agent associated with customer number 34678. Vanitha M. Elgart has been withdrawn. All other attorneys/agents will remain of record.

The correspondence address will remain the same until further notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
Clyde Dollar	: DECISION REFUSING STATUS
Application Number: 12/079880	: UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:
Attorney Docket Number: Diamond Feeders-015	:

This is in response to the petition under 37 CFR 1.47(b) filed on June 3, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on March 28, 2008, without an executed oath or declaration. Accordingly, on April 23, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on June 3, 2008, petitioner filed the present petition, surcharge, and petition fee.

Petitioner asserts that a copy of the declaration and application were sent to the non-signing sole inventor at his last known address, but that the inventor sent back a letter stating that he would not "grant power of attorney." The non-signing inventor's letter, a copy of which is included with the petition, further states, "I did invent these items, but I did not apply for a

patent. [] There will be compensation before I sign any legal papers."

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 (1) and (2).

In regards to item (1), petitioner has not shown that the non-signing inventor was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1]

In particular, the petition, signed by registered patent practitioner Ryan S. Christensen, states that the inventor was sent the application and declaration. It is unclear, however, whether this statement was made with first hand knowledge.

Petitioner may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent

[1] MPEP 409.03(d).

for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

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

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401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Clyde Dollar	:	DECISION REFUSING STATUS
Application Number: 12/079880	:	UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:	
Attorney Docket Number: Diamond Feeders-015	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on September 30, 2008.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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 on March 28, 2008, without an executed oath or declaration. Accordingly, on April 23, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

The petition under 37 CFR 1.47(b) filed on June 3, 2008, was dismissed on July 31, 2008.

On September 30, 2008, the subject renewed petition was filed.

Petitioner again asserts that a copy of the declaration and application were sent to the non-signing sole inventor at his last known address, but that the inventor sent back a letter stating that he would not "grant power of attorney." The non-

signing inventor's letter, a copy of which is included with the petition, further states, "I did invent these items, but I did not apply for a patent. [] There will be compensation before I sign any legal papers."

The renewed petition is also accompanied by a declaration of registered patent practitioner Ryan S. Christensen, in which Mr. Christensen states that he mailed a true copy of the patent application as filed to the non-signing inventor.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (2).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, is still lacking. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

In this regard, it is noted that petitioner has supplied a declaration of Robert L. Croft, an owner of assignee Diamond Feeder, Inc. The person signing the declaration under 37 CFR 1.63 on behalf of the Rule 1.47(b) applicant, however, must sign the declaration under 37 CFR 1.63 itself.

It is recommended that the person signing on behalf of the Rule 1.47(b) applicant sign in their own signature block on the

declaration under 37 CFR 1.63 underneath of the non-signing inventor's signature block. The non-signing inventor's signature block may be left blank. The name and title of the person signing on behalf of the Rule 1.47(b) applicant must be included in that person's signature block.

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

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Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:
Clyde Dollar	: DECISION REFUSING STATUS
Application Number: 12/079880	: UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:
Attorney Docket Number: Diamond	:
Feeders-015	:

This is in response to the twice renewed petition under 37 CFR 1.47(b) filed on December 22, 2008.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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 on March 28, 2008, without an executed oath or declaration. Accordingly, on April 23, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

The petition under 37 CFR 1.47(b) filed on June 3, 2008, was dismissed on July 31, 2008.

The renewed petition under 37 CFR 1.47(b) filed on September 30, 2008, was dismissed on October 20, 2008.

On December 22, 2008, the subject renewed petition was filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (2).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, is still lacking. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

In this regard, it is noted that petitioner has supplied a declaration of Robert L. Croft. The title of the person signing the declaration on behalf of the Rule 1.47(b) applicant, however, has not been provided.

Additionally, the signature block for the person signing on behalf of the Rule 1.47(b) applicant must state that they are signing on behalf of the Rule 1.47(b) applicant. The declaration filed with the subject renewed petition, however, improperly states that the person signing on behalf of the Rule 1.47(b) applicant is the second inventor.

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

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Randolph Building
401 Dulany Street
Alexandria, VA 22134

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

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United States Patent and Trademark Office
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DIW Apr-09

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OFFICE OF PETITIONS

In re Application of :
B. Clyde Dollar, Jr. : DECISION ACCORDING STATUS
Application Number: 12/079880 : UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008 :
Attorney Docket Number: Diamond :
Feeders-015 :

This is in response to the thrice renewed petition under 37 CFR 1.47(b) filed on March 20, 2009.

The petition is **GRANTED**.

Petitioner has shown that the sole inventor, B. Clyde Dollar, Jr., has refused to join in the filing of the above-identified application after having been provided a copy of the application. Specifically, petitioner has shown that a copy of the application was sent to the non-signing inventor. The non-signing inventor sent back a letter to petitioner's counsel, however, stating that he would not "sign any legal papers" without compensation.

Further petitioners have shown, via the assignment provided, that Rule 1.47(b) applicant Diamond Wildlife Feeders, Inc.,[1] has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by Robert Croft, President and Owner, on behalf of the Rule 1.47(b) applicant, and has demonstrated that such action is necessary to preserve the rights of the parties.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

[1] It is noted that the assignment references "Diamond Wildlife Feeders, Ltd." while the corrected assignment cover sheet and declaration refer to the assignee as "Diamond Wildlife Feeders, Inc." (emphasis added) In accepting this petition, the Office is construing the company named in the assignment document as the Rule 1.47(b) applicant. Petitioners **must** inform the Office if this is an incorrect interpretation.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*. Receipt of the power of attorney and change of correspondence address filed with the subject renewed petition is acknowledged.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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APR 2 8 2009

OFFICE OF PETITIONS

B. Clyde Dollar, Jr.
1312 Co. Rd. 133
Burnet TX 78611

In re Application of
Clyde Dollar
Application No. 12/079,880
Filed: March 28, 2008
For: VARMINT GUARD FEEDER AND METHOD OF USING SAME

Dear Mr. Dollar:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JUL 31 2008

OFFICE OF PETITIONS

In re Application of	:
Clyde Dollar	: DECISION REFUSING STATUS
Application Number: 12/079881	: UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:
Attorney Docket Number: Diamond Feeders-014	:

This is in response to the petition under 37 CFR 1.47(b) filed on June 3, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on March 28, 2008, without an executed oath or declaration. Accordingly, on April 23, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on June 3, 2008, petitioner filed the present petition, surcharge, and petition fee.

Petitioner asserts that a copy of the declaration and application were sent to the non-signing sole inventor at his last known address, but that the inventor sent back a letter stating that he would not "grant power of attorney." The non-signing inventor's letter, a copy of which is included with the petition, further states, "I did invent these items, but I did not apply for a

patent. [] There will be compensation before I sign any legal papers."

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 (1) and (2).

In regards to item (1), petitioner has not shown that the non-signing inventor was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1]

In particular, the petition, signed by registered patent practitioner Ryan S. Christensen, states that the inventor was sent the application and declaration. It is unclear, however, whether this statement was made with first hand knowledge.

Petitioner may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or

[1] MPEP 409.03(d).

her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(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
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

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

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OCT 20 2008

OFFICE OF PETITIONS

In re Application of	:
Clyde Dollar	: DECISION REFUSING STATUS
Application Number: 12/079881	: UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:
Attorney Docket Number: Diamond Feeders-014	:

This is in response to the renewed petition under 37 CFR 1.47(b) filed on September 30, 2008.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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 on March 28, 2008, without an executed oath or declaration. Accordingly, on April 23, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set. On June 3, 2008, a petition under 37 CFR 1.47(b) was filed. On July 31, 2008, the petition was dismissed.

On September 30, 2008, the subject renewed petition was filed.

Petitioner again asserts that a copy of the declaration and application were sent to the non-signing sole inventor at his last known address, but that the inventor sent back a letter stating that he would not "grant power of attorney." The non-signing inventor's letter, a copy of which is included with the

petition, further states, "I did invent these items, but I did not apply for a patent. [] There will be compensation before I sign any legal papers."

In support, a supplemental declaration of registered patent practitioner Ryan S. Christensen has been supplied, in which Mr. Christensen states that he mailed a true copy of the patent application as filed to the non-signing inventor

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (2).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, is still lacking. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

In this regard, it is noted that petitioner has supplied a declaration of Robert L. Croft, an owner of assignee Diamond Feeder, Inc. The person signing the declaration under 37 CFR 1.63 on behalf of the Rule 1.47(b) applicant, however, must sign the declaration under 37 CFR 1.63 itself.

It is recommended that the person signing on behalf of the Rule 1.47(b) applicant sign in their own signature block on the declaration under 37 CFR 1.63 underneath of the non-signing

inventor's signature block. The non-signing inventor's signature block may be left blank. The name and title of the person signing on behalf of the Rule 1.47(b) applicant must be included in that person's signature block.

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

By mail: Mail Stop Petition
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By FAX: (571) 273-8300
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By hand: Customer Service Window
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401 Dulany Street
Alexandria, VA 22134

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

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Clyde Dollar	:	DECISION REFUSING STATUS
Application Number: 12/079881	:	UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:	
Attorney Docket Number: Diamond Feeders-014	:	

This is in response to the twice renewed petition under 37 CFR 1.47(b) filed on December 22, 2008.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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 on March 28, 2008, without an executed oath or declaration. Accordingly, on April 23, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set. On June 3, 2008, a petition under 37 CFR 1.47(b) was filed. On July 31, 2008, the petition was dismissed. On October 20, 2008, the renewed petition under 37 CFR 1.47(b) filed on September 30, 2008 was dismissed.

On December 22, 2008, the subject twice renewed petition was filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (2).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, is still lacking. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

In this regard, it is noted that petitioner has supplied a declaration of Robert L. Croft. The title of the person signing the declaration on behalf of the Rule 1.47(b) applicant, however, has not been provided.

Additionally, the signature block for the person signing on behalf of the Rule 1.47(b) applicant must state that they are signing on behalf of the Rule 1.47(b) applicant. The declaration filed with the subject renewed petition, however, improperly states that the person signing on behalf of the Rule 1.47(b) applicant is the second inventor.

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

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

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

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:
B. Clyde Dollar, Jr.	: DECISION ACCORDING STATUS
Application Number: 12/079881	: UNDER 37 CFR 1.47(b)
Filing Date: 03/28/2008	:
Attorney Docket Number: Diamond Feeders-014	:

This is in response to the thrice renewed petition under 37 CFR 1.47(b) filed on March 20, 2009.

The petition is **GRANTED**.

Petitioner has shown that the sole inventor, B. Clyde Dollar, Jr., has refused to join in the filing of the above-identified application after having been provided a copy of the application. Specifically, petitioner has shown that a copy of the application was sent to the non-signing inventor. The non-signing inventor sent back a letter to petitioner's counsel, however, stating that he would not "sign any legal papers" without compensation.

Further petitioners have shown, via the assignment provided, that Rule 1.47(b) applicant Diamond Wildlife Feeders, Ltd.,[1] has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by Robert Croft, President and Owner, on behalf of the Rule 1.47(b) applicant, and has demonstrated that such action is necessary to preserve the rights of the parties.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

[1] It is noted that the assignment references "Diamond Wildlife Feeders, Ltd." while the corrected assignment cover sheet and declaration refer to the assignee as "Diamond Wildlife Feeders, Inc." (emphasis added) In accepting this petition, the Office is construing the company named in the assignment document as the Rule 1.47(b) applicant. Petitioners **must** inform the Office if this is an incorrect interpretation.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*. Receipt of the power of attorney and change of correspondence address filed with the subject renewed petition is acknowledged.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

B. Clyde Dollar, Jr.
1312 Co. Rd. 133
Burnet TX 78611

In re Application of
B. Clyde Dollar, Jr.
Application No. 12/079,881
Filed: March 28, 2008
For: DIRECTIONAL CONTROL FEEDER WITH SELF-CLOSING DOOR AND METHOD OF USING SAME

Dear Mr. Dollar:

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

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

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ROGER W. BROWN, PH.D.
810 W. VILLA MARIA DR.
PHOENIX, AZ 85023

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MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of :
BROWN, Roger W. :
Application No. 12/079,907 : DECISION ON PETITION
Filed: March 31, 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 31, 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 passport as evidence that Roger Wayne Brown is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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5460 WHITE OAK AVE
SUITE A-331
ENCINO CA 91316

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SEP 18 2008

In re Application of :
SHAFFER, Gene P. :
Application No. 12/079,916 : DECISION ON PETITION
Filed: March 28, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **07PLI1498** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 by Gene P. Shaffer 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 3751 for action on the merits commensurate with this decision.

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
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DARDI & HERBERT, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Farnaz Parhami	: DECISION ON REQUEST FOR
Patent Number	: 7609917	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/079,930	: 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.

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COURSEY IP LAW, P.C.
POST OFFICE BOX 29509
ATLANTA GA 30359

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Might et al.
Application No. 11/258,832
Filed: 10-24-2005
Attorney Docket No. SCAN140US1
Title: Angled-beam detection system for container inspection

This is in response to the petition under 37 CFR 1.47(a), filed June 16, 2006. Petitioner obtained an extension of time for response within the fifth month. Therefore, the petition is filed timely. The Office sincerely apologizes for the delay in treating the present petition.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD,
SUITE 230
CASTLE ROCK CO 80108

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Patent No. PP19881 :
Issue Date: March 31, 2009 :
Application No. 12/079,985 : NOTICE
Filed: March 31, 2008 :
Attorney Docket No. 1574-014PP :

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 Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

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MAR 2 4 2010

OFFICE OF PETITIONS

In re Patent No. PP19881	:	
Issue Date: March 31, 2009	:	
Application No. 12/079,985	:	NOTICE
Filed: March 31, 2008	:	
Attorney Docket No. 1574-014PP	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Patent No. PP19982	:	
Issue Date: May 12, 2009	:	
Application No. 12/079,986	:	ON PETITION
Filed: March 31, 2008	:	
Attorney Docket No. 1574-016PP	:	

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

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

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OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/080,020
Filed: March 31, 2008
Attorney Docket No. **1574-010PP**

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
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John Sotomayor
106 Spring Needle Court
Cary, NC 27513

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Levi Kennedy, et al.	:	
Application No. 12/080,025	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. INT-016	:	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 17, 2008.

The request is **APPROVED**.

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

The request was signed by John L. Sotomayor on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Levi Kennedy**
103 Carpenter Brook Drive
Cary, NC 27519

cc: **Integrian, Inc.**
511 Davis Drive, Suite 300
Morrisville, NC 27560

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/080,025	03/31/2008	Levi Kennedy	INT-016

CONFIRMATION NO. 2822

John L. Sotomayor
106 Spring Needle Ct.
Cary, NC 27513

POWER OF ATTORNEY NOTICE

OC000000035023871

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2008.

- 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.

/sleutchit/

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

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

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OFFICE OF PETITIONS

In re Application of
Nils KLEMM
Application No. 12/080,106
Filed: April 02, 2008
Attorney Docket No. **1574-012PP**

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: **April 1, 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*	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

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OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:	Renewed
Nils KLEMM	:	
Application No. 12/080,106	:	NOTICE
Patent No. PP19984	:	
Filed: May 12, 2009	:	
Attorney Docket No. 1574-012PP		

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 Tredelle Jackson at (571) 272-2783.

/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
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Nixon Peabody LLP
P.O. Box 60610
Palo Alto, CA 94306

Mail Date: 04/21/2010

Applicant	: Andrew E Horch	: DECISION ON REQUEST FOR
Patent Number	: 7652921	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/080,127	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/31/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **113** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAN M. DELA ROSA, ESQ.
SUITE 24C
300 E 77TH STREET
NEW YORK NY 10075

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AUG 0 4 2008

In re Application of :
PRASAD, Kedar N. et al. :
Application No. 12/080,189 : DECISION ON PETITION
Filed: April 01, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **P-0160US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 07, 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 Kedar Presad 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 1651 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT M. MASON
MASON & PETRUZZI
13601 PRESTON RD., 402W
DALLAS, TX 75240

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FEB 26 2009

OFFICE OF PETITIONS

In re Application of	:	
T. Reedy	:	
Application No. 12/080,199	:	ON PETITION
Filed: March 31, 2008	:	
Attorney Docket No. None	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (1), the required reply. Although the Office recognizes that the petitioner submitted a declaration in compliance with 37 CFR 1.63 and surcharge of $65, the petitioner did not submit replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.212(d), as specified in the Notice to File Missing Parts of Nonprovisional Application, mailed April 23, 2008. Accordingly, this application cannot be revived until a complete response is filed.

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.

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

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ROBERT M. MASON
MASON & PETRUZZI
13601 PRESTON RD., 402W
DALLAS, TX 75240

MAILED

AUG 13 2009

OFFICE OF PETITIONS

In re Application of :
T. Reedy :
Application No. 12/080,199 : ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. None :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 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. Robert M. Mason 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**.

The application became abandoned for failure to timely file a reply to t Notice to File Missing Parts of Nonprovisional Application, mailed April 23, 2008. A Notice of Abandonment was mailed December 29, 2008. On January 26, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed February 26, 2009. In response, on June 30, 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 a declaration in compliance with 37 CFR 1.63, replacement drawings and surcharge of $65, (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

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MAIL

JUL 28 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

In re Application of :
SATO, SATOSHI, et al. :
Application No. 12/080,228 :
Filed: March 31, 2008 :
Attorney Docket No. 5077-000268/US/CO :

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 9, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

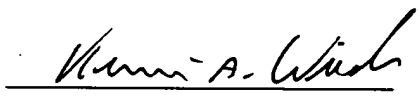
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2007-543639 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO application 2006-147756 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and that for which priority is claimed.

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

Any response must be submitted via EFS-web.

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

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



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

In re Application of :
SATO, SATOSHI, et al :
Application No. 12/080,228 :
Filed: March 31, 2008 :
Attorney Docket No. 5077-000268/US/CO :
:
:
:

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

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 15, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

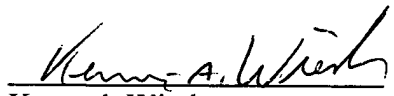
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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

MAIL

JUL 28 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

In re Application of
SATO, SATOSHI, et al.
Application No. 12/080,230
Filed: March 31, 2008
Attorney Docket No. 5077-000268/US/CO

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 9, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2007-544225 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO application 2006-147756 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and that for which priority is claimed.

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

Any response must be submitted via EFS-web.

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

DEC 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

In re Application of	:	
SATO, SATOSHI, et al	:	DECISION ON REQUEST TO
Application No. 12/080,230	:	PARTICIPATE IN PATENT
Filed: March 31, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 5077-000269/US/CO	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 15, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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

GRAYBEAL JACKSON LLP
400 – 108TH AVENUE NE
SUITE 700
BELLEVUE WA 98004

COPY MAILED
MAR 12 2010

In re Application of :
Sebastien GUET, et al :
Application No. 12/080,263 : DECISION ON PETITION
Filed: April 23, 2008 :
Attorney Docket No. 612.48749X00 :

This is a decision on the petition under 37 CFR 1.182, filed, December 17, 2009, to change the name of inventor "Jason Houston" to -- Michael Jason Houston--.

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 Diane Goodwyn at (571) 272-6735. Any questions concerning the examination procedures or status of the application should be directed to Technology Center 2800 at (571) 272-2800.

This application is being referred to Technology Center AU 2838 for further processing.

/Thurman K Page/
Thurman K. Page
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
12/080,263	03/31/2008	2838	1620	1938-032-03	25	4

CONFIRMATION NO. 4308

CORRECTED FILING RECEIPT

996
GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004

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)

Gustavo James Mehas, Sunnyvale, CA;
Naveen Jain, Panipat, INDIA;
Jayant Vivrekar, San Jose, CA;
Michael Jason Houston, Cary, NC;

Assignment For Published Patent Application

Intersil Americas Inc., Milpitas, CA

Power of Attorney: The patent practitioners associated with Customer Number 32095

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/909,169 03/30/2007

Foreign Applications

If Required, Foreign Filing License Granted: 04/28/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/080,263**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Switching regulator circuit, system, and method for providing input current measurement without a dedicated input current sense element

Preliminary Class

323

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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APR 05 2010

OFFICE OF PETITIONS

THE LAW OFFICE OF
CHARLENA THORPE INC.
2180 SATELLITE BOULEVARD
SUITE 400
DULUTH GA 30097

In re Application of :
Pius O. LLEOGBEN :
Application No. 12/080,331 : ON PETITION
Filed: April 2, 2008 :
Attorney Docket No. POIL1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 15, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before December 14, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 14, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 15, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

With respect to item 2: A review of the record shows that the petition in the above-identified application was accompanied by a payment of $770 for the petition fee. The current petition fee for small entity as of October 2, 2008, is $810. A new fee schedule was posted and new fees should have been applied to any petition fee filed after the date listed above. The instant petition lacks a complete petition fee payment and an additional $40 is due to complete the required petition fee as set forth in 37 CFR 1.17(m). No consideration on the merits can be given until the required fee deficiency is remitted.

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

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.

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) 272-6735.

/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
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THE LAW OFFICE OF CHARLENA THORPE, INC.
2180 SATELLITE BOULEVARD, SUITE 400
DULUTH GA 30097

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Pius O. LLEOGBEN	:	
Application No. 12/080,331	:	DECISION ON PETITION
Filed: April 2, 2008	:	
Attorney Docket No. POIL1	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed September 14, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $755; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

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

/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

SANDRA LEE LIPKIN
A LAW CORPORATION
1891 GOODYEAR AVE.
SUITE 622
VENTURA, CA 93003

COPY MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of
Anson Williams, et al.
Application No. 12/080,346
Filed: april 1, 2008
Attorney Docket No. 888-002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 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 Sandra Lipkin 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 request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

There is an outstanding Office action mailed January 23, 2009 that requires a reply from the applicant.

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

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

cc: ANSON WILLIAMS
23852 PACIFIC COAST HWY, #294
MALIBU, CA 90265

cc: STARMAKER PRODUCTS, LLC
996 LAWRENCE DRIVE
SUITE 211
NEWBURY PARK, CA 91320

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
12/080,346	04/01/2008	Anson Williams	888-002

CONFIRMATION NO. 4444

POWER OF ATTORNEY NOTICE

67547
SANDRA LEE LIPKIN
A LAW CORPORATION
1891 GOODYEAR AVE.
SUITE 622
VENTURA, CA 93003

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/05/2009.

- 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

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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: Pekka ALA-PIETILA
Application No. 12/080356
Filed: April 2, 2008
For: **METHOD AND SYSTEM FOR SCHEDULING OF MESSAGES**

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 15, 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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,356	04/02/2008	Pekka Ala-Pietila	07290/RPM	3944

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: Pekka ALA-PIETILA
Application No. 12/080356
Filed: April 2, 2008
For: **METHOD AND SYSTEM FOR SCHEDULING OF MESSAGES**

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
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Paper No.

COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGEPORT CT 06605-1601

COPY MAILED
NOV 24 2008

In re Application of :
Lin et al. : ON PETITION
Application No. 12/080,357 :
Filed: April 2, 2008 :
Atty Docket No. 003-074US DIV :

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a) TO ACCEPT DRAWINGS" filed May 6, 2008, requesting that the above-referenced application be accorded a filing date. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

To the extent the instant petition requests a filing date of April 2, 2008 with no drawings present in the application, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on April 2, 2008. However, on April 25, 2008, the Office 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 petition for a filing date of April 2, 2008. Applicants state

[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.

that the drawings were inadvertently omitted and petition the Examiner to enter nine sheets of drawings from the original parent application S.N. 11/232,252 into the present divisional application S.N. 12/080,357. Applicants maintain that in the application as filed, they included in the first paragraph of the specification the incorporation by reference in their entirety of the figures contained in the parent priority application. Applicants then quote the paragraph they maintain is present in the first paragraph of the application as filed.

For the reasons stated below consideration of the petition under 37 CFR 1.57(a) is unnecessary to a determination of this application's entitlement to a filing date. However, it is appropriate to advise applicants that a review of the application as filed, including consideration of the accompanying preliminary amendment, reveals that it did not include the paragraph quoted on petition. Rather, the application as filed included 1) in the second paragraph of the specification a benefit claim to three provisional applications, 2) in the second paragraph an incorporation by reference of those three provisional applications, and 3) an application data sheet containing the references required by 37 CFR 1.78 to the nonprovisional application, as well as, to the three provisional applications.

Applicants should take note that the reference set forth in the **second paragraph** of the specification is improper. Applicants are reminded that the specific reference required by statute (35 U.S.C. 120 and 119(e)) and by 37 CFR 1.78 must be included in an application data sheet (§1.76), or the specification must contain or be amended to contain such reference **in the first sentence(s) following the title.** Even if the Office has recognized such a claim by entering it into the Office's database and including it on applicant's filing receipt, the benefit claim is not a proper benefit claim under 35 U.S.C. 119(e) or 35 U.S.C. 120 and 37 CFR 1.78 unless the reference is included in an ADS or in the first sentence(s) of the specification and all other requirements are met. See MPEP 201.11IIID. In other words, failure to submit the reference as required by the statutes and the rule will likely be considered a waiver of the benefit. Fortunately, in this instance, on filing, applicants submitted the application data sheet containing the references.

Consideration now turns to the merits of this petition. It is controlling on the issue of whether the application is entitled to a filing date that a review of the application confirms that as filed the application contained at least one method claim and 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. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). See MPEP § 201.17.

Given that the application is entitled to a filing date, no petition pursuant to 37 CFR 1.57(a) is required to amend the application to include inadvertently omitted drawings. Based on the claim under 37 CFR 1.78 for the benefit of prior-filed application No. 11/232,252 set forth in the application data sheet filed April 2, 2008, applicant may submit an amendment to the examiner to enter the inadvertently omitted drawings pursuant to 37 CFR 1.57(a). To this end, applicants need to file such an amendment directed to the examiner. The instant

Consideration now turns to the merits of this petition. It is controlling on the issue of whether the application is entitled to a filing date 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 § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). See MPEP § 201.17.

Given that the application is entitled to a filing date, no petition pursuant to 37 CFR 1.57(a) is required to amend the application to include inadvertently omitted drawings. Based on the claim under 37 CFR 1.78 for the benefit of prior-filed application No. 11/232,252 set forth in the application data sheet filed April 2, 2008, applicant may submit an amendment to the examiner to enter the inadvertently omitted drawings pursuant to 37 CFR 1.57(a). To this end, applicants need to file such an amendment directed to the examiner. The instant

petition does not obviate the need to file the amendment. The amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121.

Given the basis for granting this petition, the petition fee is being refunded to Deposit Account No. 04-0838, as authorized.

The Office of Patent Application Processing has been advised of this decision. Pursuant to this decision, the application has been referred for:

- **according of a filing date of April 2, 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, Nancy Johnson at (571) 272-3219.

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
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RUBEN ALCOBA, ESQ.
3399 NW 72 AVENUE
SUITE211
MIAMI, FL 33122

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MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of :
DE CESPEDES, Dinardo Avito :
Application No. 12/080,366 : DECISION ON PETITION
Filed: April 02, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **10103** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 02, 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 Dinardo A. De Cespedes 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.

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
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EUGENE OAKugene Oak
610 SOUTH VAN NESS AVENUE
LOS ANGLESES, CA 90005

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MAY 0 8 2008

OFFICE OF PETITIONS

In re Application of :
BAIK, William :
Application No. 12/080,375 : DECISION ON PETITION
Filed: April 2, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 911-1662 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement of inventor William Baik, 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 complete.

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
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OFFICE OF PETITIONS

VertiFlex, Inc.
1351 Calle Avanzado
San Clemente, CA 92673

In re Application of :
Joey Camia Reglos, et. al. :
Application No. 12/080,388 : DECISION ON PETITION
Filed: March 31, 2008 : TO WITHDRAW FROM
Attorney Docket No. 65837-8017us : 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
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STEVEN SHELTON
E 901 MIKKELSEN
SHELTON, WA 98584

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APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Steven Swearingen, et al. :
Application No. 12/080,394 : ON PETITION
Filed: April 1, 2008 :
Attorney Docket No. PM08-18 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 20, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 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 July 6, 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) (3).

The statement of delay is not acceptable. 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 petition (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Steven Swearingen) was ever given a power of attorney to act on behalf of inventor Therin G. Laney, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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.

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) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DOUGLAS E. MACKENZIE
P.O. BOX 1295
MT. VIEW, CA 94042

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Steven Swearingen, et al. :
Application No. 12/080,394 : DECISION ON PETITION
Filed: April 1, 2008 :
Attorney Docket No. PR08-18 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2009, to revive the above-identified application.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 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 July 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, (2) the petition fee of 810, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571)272-1642. All other inquiries concerning the examination or status of the application should be directed to the Office of Patent Application Paper at their hotline (571) 272-4100.

This application is being referred to the Office of Patent Application Papers for pre-examination processing of the reply received February 20, 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
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

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DEC 0 1 2009

OFFICE OF PETITIONS

In re Patent No. PP20111 :
Issue Date: June 23, 2009 :
Application No. 12/080,399 : ON PETITION
Filed: April 2, 2008 :
Attorney Docket No. 1574-013PP :

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
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Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD
SUITE 230
CASTLE ROCK, CO 80108

MAILED

NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20223
Application No. 12/080,403
Filed: April 02, 2008
Attorney Docket No. **1574-025PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Holcomb, et al. :
Application No. 12/080,406 : DECISION
Filed/Deposited: 31 March, 2008 :
Attorney Docket No. 3382-79605-01 :

This is a decision on the petition under 37 C.F.R. §1.10, filed on 12 June, 2008, seeking for the above-identified application a filing date of 31 March, 2008, rather than the presently accorded filing date of 2 April, 2008.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The instant application was received by the Office and subsequently accorded a filing date of 2 April, 2008.

The record reflects that:

- the instant application, averred to have been transmitted the package bearing US Postal Service (USPS) Express Mail Label No. EV 858 957 653 US, was received by the Office on 3 April, 2008 and subsequently given a filing date of 2 April, 2008;

- with the instant petition, filed on 16 June, 2008, Petitioner provided, *inter alia*, a copy of the USPS Express Mail label bearing USPS Express Mail Label No. EV 858 957 653 US with a very unclear hand-written "date in" of "[BLANK/31/08," and Petitioner avers that the correct date is "3/31/08," and also directs the attention of the Office to a printout of the USPS (online) Track & Confirm record bearing USPS Express Mail Label No. EV 858 957 653 US, and reflects "Acceptance March 31, 2008, 4:20 p.m., RENO, NV 89511"—which appears to be the approximate originating ZIP Code for the transmittal.

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 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]

The petition is **granted**, and the petition fee is waived.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 31 March, 2008, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 31 March, 2008.

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.
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

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

OCT 19 2009

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

In re application of	:	DECISION ON REQUEST TO
Toshiki Matsumoto et al.	:	PARTICIPATE IN PATENT
Application No. 12/080,438	:	PROSECUTION HIGHWAY
Filed: April 2, 2008	:	PROGRAM AND PETITION
For: VEHICLE CONTROL SYSTEM	:	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 16, 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: 10/19/09

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SARATOGA CA 95070

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MAY 21 2010

OFFICE OF PETITIONS

In re Application of
Emily Lo
Application No. 12/080,473
Filed: April 2, 2008
Attorney Docket Number: 12108103

ON PETITION

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

The petition is **GRANTED**.

This application became abandoned March 5, 2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on December 4, 2009. Accordingly, the Notice of Abandonment was mailed on March 19, 2010.

The issue fee in the amount of $755.00 and the petition fee in the amount of $810 have been charged to deposit account no. 16-2497 per the authorization included with the petition.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[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)).

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AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

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MAY 1 3 2009

OFFICE OF PETITIONS

In re Application of :
Levy et al. :
Application No. 12/080,485 : ON PETITION
Filed: April 3, 2008 :
Attorney Docket No. 34315-229 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 5, 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 signed Oath/Declaration and $130.00 late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

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.

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 $2350.00 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 3677 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD
SUITE 230
CASTLE ROCK, CO 80108

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NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20112
Application No. 12/080,515
Filed: April 03, 2008
Attorney Docket No. **1574-026PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

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NEXSEN PRUET LLC
PO BOX 10648
GREENVILLE SC 29603

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Bristol, et al. :
Application No. 12/080,531 : ON PETITION
Deposited: April 3, 2008 :
Attorney Docket No. 39514-10 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed March 9, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above application was deposited on April 3, 2008. However, the application did not include drawings. As such, the Office mailed a Notice of Incomplete Nonprovisional Application on April 28, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the Office mailed a Notice of Termination of Proceedings on December 23, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the April 28, 2008 Notice of Incomplete Nonprovisional Application or the December 23, 2008 Notice of Termination of Proceedings. A review of the Application Transmittal reveals why. On page 3 of the transmittal, applicants directed the Office to mail all correspondence to the address associated with Customer No. **56591**. In contrast, the declaration directed the Office to mail correspondence to Customer No. 46591. In situations where more than one correspondence address is used, the "Office will select which of the multiple correspondence addresses to use according to the following order: (A) application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney." Accordingly, the Office properly selected Customer No. 56591 set forth in the application transmittal over Customer No. 46591 set forth in the declaration.

In view of the above, the entire period of delay can not be said to be unavoidable.

Receipt of the Rule 1.57 petition, submitted with the petition as the reply, is acknowledged. Consideration of that petition will be made at such time as applicants revive the application.

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Applicants' error concerning the Customer No. has been *sua sponte* corrected by the Office.

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

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Bristol, et al. :
Application No. 12/080,531 : ON PETITION
Deposited: April 3, 2008 :
Attorney Docket No. 39514-10 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 8, 2009.

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

The above application was deposited on April 3, 2008. However, the application did not include drawings. As such, the Office mailed a Notice of Incomplete Nonprovisional Application on April 28, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the Office mailed a Notice of Termination of Proceedings on December 23, 2008.

With the instant petition, petitioner has paid the petition fee, made a statement of unintentional delay, and submitted the required reply in the form of a petition under 37 CFR 1.57(a).

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. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3).

Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application is being retained in the Office of Petitions for consideration of the petition under 37 CFR 1.57(a), filed May 8, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Bristol, et al.	:	
Application No. 12/080,531	:	ON PETITION
Deposited: April 3, 2008	:	
Attorney Docket No. 39514-10	:	

This is in response to the petition under 37 C.F.R. 1.57(a), filed May 8, 2009, requesting that the above referenced application be accorded a filing date of April 3, 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 April 3, 2008. However, on April 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. Applicants request that the application be accorded the filing date of April 3, 2008.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one process 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).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," 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[.]

Receipt of the 32 sheets of drawings and the Preliminary Amendment seeking their entry, submitted with the instant petition, is acknowledged.

To the extent the instant petition requests a filing date of April 3, 2008 with no drawings present in the application on filing, the petition is **GRANTED**.

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 08-0719.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to April 3, 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 Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/18/2010

Applicant	: Ammal F. Al-Anazi	: DECISION ON REQUEST FOR
Patent Number	: 7661480	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/080,551	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **133** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RICHARD H. BEACHAM
102 BULL RIVER BLUFF DRIVE
SAVANNAH
SAVANNAH GA 31410

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JUL 2 1 2008

In re Application of	:	
Theodore O. Haas	:	
Application No. 12/080,562	:	DECISION ON PETITION
Filed: April 4, 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 April 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a 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 3612 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

15 SEP 2008

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Thomas J. Kowalski
Frommer Lawrence and Haug
745 Fifth Avenue, 10th Floor
New York NY 10151

In re Application of	
SCHNATTERER et al.	
Serial No.: 12/083,063 (12/080,578)	
PCT No.: PCT/EP06/03771	DECISION ON PETITION
Int. Filing Date: 25 April 2006	
Priority Date: 07 May 2005	UNDER 37 CFR 1.137(a) or (b)
Attorney's Docket No.: 574313-3459	
For: PROCESS FOR THE PREPARATION OF 5-ALKYLTHIOALKYLAMINO-I-PHENYL-PYRAZOLES	

The renewed petition to revive under 37 CFR 1.137(a) and (b) filed in the United States Patent and Trademark Office on 28 August 2008 in the above-captioned application.

BACKGROUND

On 25 April 2006, applicant filed international application PCT/EP06/03771 which claimed a priority date of 07 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying a basic national fee in the United States expired at midnight on 07 November 2007.

On 03 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, *inter alia*: the basic national fee and a petition to revive the abandoned international application under 37 CFR 1.137(a) or (b). The application were assigned U.S. serial number 12/083,063.

On 13 June 2008, a decision dismissing the petition was mailed to applicant. On 28 August 2008, applicant filed a copy of a renewed petition, alleged to have been originally filed on 11 July 2008 in 12/080,578.

DISCUSSION

International application PCT/EP06/03771 became abandoned as to the United States of America at midnight on 07 November 2007 for failure to pay the basic national fee.

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). 37 CFR 1.495(g) specifically states:

> 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(a).

In addition, MPEP section 1893.03(a) states:

> [I]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Form PTO-1390 Transmittal Letter filed by applicant on 03 April 2008 identified the application as a national stage filing under 35 U.S.C. 371. However, applicant submitted an amended specification which states "This application is a continuation-in-part of international patent application Serial No. PCT/EP2006/03771 filed 25 April 2006, which published as PCT Publication No. WO 2006/119862 on 16 November 2006, which claims benefit of European patent application Serial No. 05009998.5 filed 7 May 2005." The reference in the amended specification is inconsistent with an intent to enter the national stage of the PCT under 35 U.S.C. 371. Therefore, the papers deposited on 03 April 2008 will be treated as a filing under 35 U.S.C. 111(a).

Petition under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(i); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

Items (1) and (2) were previously satisfied. As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Concerning item (3), Petitioner has not provided an acceptable showing that the delay was unavoidable. Petitioner's statement and explanation are insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition do not reflect the "care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." *Ex Parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887).

A petition to revive under 37 CFR 1.137(a) cannot be granted where a petition has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. *Haines v.Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2nd 1130, 1131-32 (N.D. Ind. 1987). Therefore, since applicant has not satisfied Item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper. The petition to revive under 37 CFR 1.137(a) for unavoidable delay is dismissed without prejudice.

Petition under 37 CFR 1.137(b)

In the alternative, applicant requested revival of the application via petition under 37 CFR 1.137(b).

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the date on which the application became abandoned. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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 pursuant to 37 CFR 1.137(d).

With regard to Item (1), the proper response was the filing of the continuing application. As to Item (2), the appropriate petition fee of $1540 has been paid. With respect to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

With regard to Item (3), Petitioner has provided the statements of attorney Thomas J. Kowalski and paralegal Tiki Cantrell and the email communications of the assignee which support a finding that the delay was unintentional. Petitioner's statement that the "entire delay to timely enter the National Phase in the United States was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that with the filing of the present petition and accompanying papers, a proper response has been submitted and all the requirements of 37 CFR 1.137(b) have been satisfied. The petition to revive under 37 CFR 1.137(b) is granted.

International application PCT/EP06/03771 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing applications 12/083,063 and 12/580,578.

The specification and claims filed on 03 April 2008 complete the requirements for a filing date under 35 U.S.C. 111(a). Accordingly, these applications will be accorded a filing date of 03 April 2008.

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. 12/083,063) and the international application (PCT/EP06/03771) designating the United States were copending on 03 April 2008.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED without prejudice**. The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to Office of Initial Patent Examination for further processing as an application filed under 35 U.S.C. 111(a), having a filing date of 03 April 2008. The application will then be examined in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,589	04/04/2008	Christopher M. Mergler	89190.081507/DP-316608	5217

22851 7590 02/16/2010

DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY, MI 48007

EXAMINER	
ALEJANDRO, RAYMOND	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/16/2010	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.

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DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY MI 48007

FEB 16 2010

In re Application of	:	
Mergler et al.	:	DECISION ON PETITION
Application No. 12/080,589	:	TO MAKE SPECIAL UNDER
Filed: 4/4/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **89190.081507/DP-316608**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/27/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition

must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

JUN 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Nelson et al.	:	
Application No. 12/080,620	:	DECISION ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No. DH0041USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 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 May 1, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2008. A Notice of Abandonment was mailed January 7, 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 Oath/Declaration and the $130.00 surcharge fee, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Additionally, the request for the change in power of attorney has been accepted and the Notice enclosed. Further, the request for change of correspondence address has been accepted.

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

Enclosure: Notice of Acceptance of Power of Attorney

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/080,620	04/04/2008	Brett Ronald Nelson	DH0041USNA

CONFIRMATION NO. 5666

23906
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

POA ACCEPTANCE LETTER

OC000000036368012

Date Mailed: 06/09/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/19/2009.

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.

/jolszewski/

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

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PCE INDUSTRY, INC.
ATT: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of :
Yuan-Fa CHU :
Application No. 12/080,637 : DECISION GRANTING PETITION
Filed: April 2, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **US14623** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 28, 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 28, 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 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MAY 24 2010

OFFICE OF PETITIONS

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

In re Application of	:	
DUBIN, Valery M. et al.	:	
Application No. 12/080,680	:	DECISION ON PETITION
Filed: April 04, 2008	:	TO WITHDRAW
Attorney Docket No. **110109-12**	:	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 13, 2010.

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

A review of the file record indicates that the power of attorney to BLACK LOWE & GRAHAM, PLLC has been revoked by the assignee of the patent application on May 10, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NUTTER MCCLENNEN & FISH LLP**
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

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11 MAR 2010

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PETER J. GUTIERREZ
GAZDZINSKI & ASSOCIATES, PC
16644 WEST BERNARDO DRIVE
SUITE 201
SAN DIEGO, CA 92127

In re Application of:	:	DECISION
MILOSAVLJEVIC, ZLATOLJUB et al	:	
Application No.: 12/080,741	:	UNDER
Filing Date: 03 April 2008	:	
Atty Docket No.: LKP015A/OP101819	:	
For: MULTIBAND ANTENNA SYSTEM AND METHODS	:	37 CFR § 1.78(a)(3)
	:	

This is in response to applicants' "Petition To Accept an Unintentionally Delayed Claim Under 35 U.S.C. 120, 121 or 365(c) and Preliminary Amendment" filed on 19 October 2009. This petition has been treated under 37 CFR 1.78(a)(3).

The petition is GRANTED.

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

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentionally delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the prior-filed international applications 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 applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether 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 Shian Luong at (571) 272-4557. 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 2821 for appropriate action on the amendment filed 19 October 2009, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

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IIYA ZBOROVSKY
6 SCHOOLHOUSE WAY
DIX HILLS, NY 11746

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MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of :
LAKHMAN, Mikhail :
Application No. 12/080,769 : DECISION ON PETITION
Filed: April 07, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 000 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 07, 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 Mikhail Lakhman is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to the Office of 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

29 AUG 2005

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FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

In re Application of KNIGHTS et al	:	
U.S. Application No.: 10/500,318	:	
PCT Application No.: PCT/GB02/05930	:	DECISION
Int. Filing Date: 27 December 2002	:	
Priority Date Claimed: 27 December 2001	:	
Attorney Docket No.: SGU-0068	:	
For: AN IN-LINE LIGHT SENSOR	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.47(a)" filed 10 August 2005.

BACKGROUND

On 27 December 2002, applicant filed international application PCT/GB02/05930, which claimed priority of an earlier United Kingdom application filed 27 December 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 24 July 2003. The thirty-month period for paying the basic national fee in the United States expired on 28 June 2004 (27 June 2004 was a Sunday).

On 28 June 2004, 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 11 January 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 May 2005, applicant filed a petition under 37 CFR 1.47(a).

On 27 May 2005, this Office mailed a decision dismissing the 09 May 2005 petition.

On 10 August 2005, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Applicant has previously satisfied items (1), (3), and (4) above.

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

> Where 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 renewed petition states that inventor Vonsovici refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to Vonsovici for signature (see 04 May 2005 affidavit of Haydn Jones, ¶3). Furthermore, the petition sufficiently establishes that Vonsovici refuses to sign. Specifically, a letter was mailed to Vonsovici on 27 June 2005 and received on 28 June 2005 (see 03 August 2005 affidavit of Haydn Jones, ¶¶3,4). Such letter required Vonsovici to respond unconditionally within 30 days, yet no response was received (see Jones' 03 August 2005 affidavit, ¶4). Thus, it can be concluded with reasonable certainty that Vonsovici refuses to join in the application.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 27 December 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 May 2005.

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 Tung
PCT Legal Examiner
PCT Legal Office

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

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STEFAN ZELINKA
3233 BENEVA RD
APT 203
SARASOTA FL 34232

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Stefan Zelinka	:	
Application No. 12/080,836	:	DECISION ON PETITION
Filed: April 7, 2008	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed April 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 1, 2008,.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply previously filed on July 29, 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 for appropriate action in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Yu et al.	:	
Application No. 12/080,839	:	ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No. 61601/M277	:	

This is a decision on the petition filed May 20, 2008, requesting that the above-identified application be accorded a filing date of April 4, 2008, rather than the presently accorded date of April 7, 2008. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on April 4, 2008, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 826264810 US, which does not have any dates listed on it. However, there is a "04/04/08" date on the US Postage stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

To further substantiate applicant's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on April 4, 2008 at 6:48 p.m. at the Pasadena, CA USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on April 4, 2008. Accordingly, the instant application is entitled to a filing date of April 4, 2008 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee and none has been collected.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of April 4, 2008, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 1700 for examination in due course.

Telephone inquiries concerning this matter may be directed the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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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. 12/080,846 : NOTICE
Filed: April 7, 2008 :
Attorney Docket No. **1574-011PP** :

This is a notice regarding your request filed September 30, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

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NOV 2 3 2009

OFFICE OF PETITIONS

In re Application of.
Nils Klemm
Application No. 12/080,847
Filed: April 7, 2008
Attorney Docket No. 1574-031PP

NOTICE

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,886	04/07/2008	Christophe Pierrat	NMTI 1002-34	6135

30437 7590 04/02/2009

NUMERICAL C/O HAYNES BEFFEL & WOLFELD LLP
PO BOX 366
HALF MOON BAY, CA 94019

EXAMINER	
RUGGLES, JOHN S	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
04/02/2009	PAPER

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

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

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Mailed: 4/2/09

Re application of:
PIERRAT et al.
Serial No.: 12/080,886
Filed: April 7, 2008
For: EXPOSURE CONTROL FOR PHASE SHIFTING PHOTOLITHOGRAPHIC MASKS

DECISION ON PETITION

This is a decision on the PETITION UNDER 37 C.F.R. 1.84(a)(2) TO ACCEPT COLOR DRAWINGS filed April 7, 2008. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of the color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iii), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

Mark F. Huff
Supervisory Patent Examiner
Group Art Unit 1795

NUMERICAL C/O HAYNES BEFFEL & WOLFELD LLP
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,935	04/07/2008	Fumiharu Shimohara	4041K-000419	6634

27572 7590 03/01/2010

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	**PAPER NUMBER**
2165	
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.

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Harness, Dickey & Pierce PLC
P.O. Box 828
Bloomfield Hills, MI 48303

In re Application of: SHIMOHARA F.
Application No. 12/080,935
Filed: April 7, 2008
For: Factory equipment, factory equipment control method, and factory equipment control apparatus.

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed ~~October 06~~ December 18, 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 petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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OCT 30 2008

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TECHNOLOGY CENTER 2600

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

In re Application of :
AHOPELTO, TIMO et al. :
Application No. 12/080,940 :
Filed: April 7, 2008 :
Attorney Docket No. 07261/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 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 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

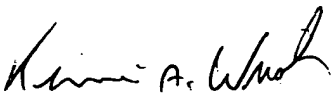
patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

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

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In re Application of	:	
AHOPELTO, TIMO, et al.	:	DECISION ON REQUEST TO
Application No. 12/080,940	:	PARTICIPATE IN PATENT
Filed: April 7, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 07261/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 28, 2008 and additional supplemental petition filed October 7, 2008, to make the above-identified application special. (The decision mailed October 30, 2008 dismissing the petition is vacated.)

The request and petition are **GRANTED**.

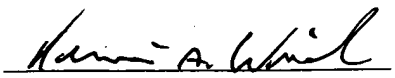
A grantable request to participate in the PPH pilot program and petition to make special require:

(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

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Townsend And Townsend And Crew, LLP
Viasat, Inc (Client #017018)
Two Embarcadero Center - Eighth Floor
San Francisco, CA 94111

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AUG 0 5 2008

In re Application of	:	
Mark D. Dankberg, et. al.	:	
Application No. 12/080,968	:	DECISION ON PETITION
Filed: January 9, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 017018-013410US	:	

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed January 14, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to the prior-filed provisional applications, as set forth in the Application Data Sheet (ADS) filed on January 9, 2008.

The petition is **DISMISSED AS MOOT.**

The Office acknowledges that within four months from the filing of the above application, a reference to the prior-filed provisional applications, listed in the ADS, was timely submitted on January 9, 2008. Therefore, the instant petition is unnecessary and a petition fee will **not** be charged to petitioner's deposit account.

The Office noted the timely claim for priority to the prior-filed provisional applications as shown by its inclusion on the filing receipt mailed on July 2, 2008.

This application is currently before Technology Center AU 2617, for examination in due course.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

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SUMMIT, NJ 07901

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FEB 25 2009

OFFICE OF PETITIONS

In re Application of :
Edwin Clifford Barron Jr., et. al. :
Application No. 12/080,976 : ON PETITION
Filed: April 8, 2008 :
Attorney Docket No. 392-003A :

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

This application became abandoned for failure to file a response to the Notice to File Missing Parts of Non-provisional Application mailed April 30, 2008. A Notice of Abandonment was mailed on January 2, 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 executed oath/declaration with $130 surcharge; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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AUG 15 2008

In re Application of	:	
St. George-Hyslop et al.	:	
Application No. 12/080985	:	
Filing or 371(c) Date: 04/07/2008	:	
Attorney Docket Number:	:	DECISION
003237-0013-102	:	ON PETITION

This is a decision on the Petition for Withdrawal of Notice of Oncomplete Nonprovisional Application Pursuant to 37 C.F.R. 1.53(E) and Grant of the April 7, 2008 Filing Date," filed June 30, 2008.

The petition is granted.

The application was filed on April 7, 2008. On April 30, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that drawings are not necessary for an understanding of the claimed subject matter. Applicants have filed an amendment deleting the any reference to the Figures.

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in

MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed April 30, 2008, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Patent Application Processing for further processing of the Response to the Notice of Incomplete Nonprovisional Application, with the filing date of April 7, 2008, and an indication that no drawings were present or required on filing. Receipt of the preliminary amendment is hereby acknowledged[1].

The petition fee has been refunded to Applicant's deposit account as authorized in the 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

[1] The preliminary amendment will be considered by the Examiner in due course.

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ALEXANDRIA, VA 22320-4850

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of Rowsell et al. :
Application No. 12/081,010 : Decision on Petition
Filing Date: April 9, 2008 :
Attorney Docket No. 136656 :

This is a decision in response to the petition filed June 26, 2008, which requests the application be accorded a filing date of April 9, 2008, and requests entry of the drawings filed June 26, 2008. As will be discussed in this decision, the petition has been treated as a petition under 37 CFR 1.53(e).

The petition is **granted** to the extent indicated herein.

Procedural History:

On April 9, 2008, the application was inadvertently filed without drawings.

On April 30, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application." The Notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

On June 26, 2008, petitioner filed an amendment pursuant to 37 CFR 1.57(a), the instant petition, and a petition fee of $400. Petitioner requests the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a proper priority claim under 37 CFR 1.55.

Discussion:

In order to add material pursuant to 37 CFR 1.57(a), one must always filed an amendment. However, a petition under 37 CFR 1.57 and the $400 fee is only necessary if the application is not entitled to a filing date absent the missing material.

As a courtesy, the Office has chosen to initially treat the petition as a petition under 37 CFR 1.53(e) in order to determine if the application should have been accorded a filing date without the drawings. If the application should have been accorded a filing date without the drawings, then a petition under 37 CFR 1.57 is unnecessary and the $400 fee is refundable.

A review of the application papers filed April 9, 2008, indicates the papers included at least 20 method claims. MPEP 601.01(f) states,

> 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).

Pursuant to MPEP 601.01(f), drawings should not have been required in order to accord the application a filing date. In other words, the Office should have accorded the application a filing date without the drawings.

The Office should have granted the application a filing date of April 9, 2008, 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):

> [If the] 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.

Since the application is entitled to a filing date without the drawings, an amendment pursuant to 37 CFR 1.57(a) does not need to be accompanied by a petition under 37 CFR 1.57 and the petition fee of $400 has been refunded to petitioner's deposit account.

Please note an amendment pursuant to 37 CFR 1.57(a) must comply with the requirements of 37 CFR 1.121. For example, per 37 CFR 1.121(d), any new drawings added to an application must include in the top margin the label "New Sheet." Petitioner may wish to file a new preliminary amendment to ensure the addition of the new drawings complies with the requirements of 37 CFR 1.121.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing for:

- **correction of the filing date to April 9, 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 June 26, 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

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LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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JUL 21 2008

In re Application of	:	
John A. Burnett	:	
Application No. 12/081,032	:	DECISION ON PETITION
Filed: April 9, 2008	:	TO MAKE SPECIAL UNDER

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 9, 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 3673 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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VLADIMIR RADEV
18 CHANCELLOR PARK DRIVE
MAYS LANDING, NJ 08330-2049

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of :
Vladimir Radev :
Application No. 12/081,040 : DECISION ON PETITION
Filed: April 10, 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 April 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 signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Office of Patent Application Processing for processing. This application will be accorded "special" status once pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of
Bae and Oh
Application No. 12/081,041
Filed: 04/10/2008
Attorney Docket No. 8947-000329/US
Title: IMAGE SENSOR

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 1, 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 $200.00 petition fee will be charged to the Deposit Account as authorized.

The matter is being referred to the Technology Center Art Unit 2622 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. 12/081,041 : LETTER
Filed: 04/10/2008 :
Attorney Docket No. 8947-000329/US :
Title: IMAGE SENSOR :

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

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

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Chung-Jen Pai :
Application No. 12/081,109 : ON PETITION
Filed: April 10, 2008 :
Attorney Docket No. BHT/3092-829 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 12, 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 May 1, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit the statutory basic filing fee and the surcharge for its late filing. No reply having been received, the application became abandoned on July 2, 2008. The Office mailed a Notice of Abandonment on January 6, 2009.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the filing fee and surcharge.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES 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

MAR 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Lan et al.	:	
Application No. 12/081,120	:	DECISION ON PETITION
Filed: April 10, 2008	:	
Attorney Docket No: 7004.148	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2010 and the Supplemental petition filed March 24, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 1, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2008. A Notice of Abandonment was mailed January 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the $65.00 Surcharge fee, the $165.00 Basic filing fee, the $270.00 Search fee, and the $110.00 Examination fee; (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 the undersigned at (571) 272-7751.

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

Joan Olszewski
Petition Examiner
Office of Petitions

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.
12/081,133	04/10/2008	Hyun Kim	P58716	7946

7590 10/26/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/26/2009	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: 10/26/2009 NFARMER 0014573403
LXW:024943 Name/Number:12081133
FC: 9204 $510.00 CR

Adjustment date: 10/26/2009 NFARMER
04/11/2008 SZEWDIE1 00000120 12081133
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.
12/081,166	04/11/2008	Mitsuo Yamada	2018-1970	8097

7590 07/27/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KONG, SZE-HON

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
07/27/2010	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

[illegible] 00000265[illegible]

Credit Card Refund Total: $510.00

[illegible]

[illegible] 07/27/2010 [illegible] 12/081166
04/14/2008 [illegible] -510.00 OP
02 FC:1111

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.
12/081,183	04/11/2008	Hang Jae Yu	4823-0118PUS1	8116

2292 7590 07/13/2009

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

EXAMINER	
DUNWIDDIE, MEGHAN K	

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
07/13/2009	ELECTRONIC

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

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

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

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:	:	
YU, HANG JAE	:	
Serial No.: 12/081,183	:	DECISION ON PETITION TO
Filed: April 11, 2008	:	MAKE SPECIAL UNDER 37
Title: ADAPTER DEVICE FOR COMPACT FLUORESCENT LAMP HAVING EYESIGHT PROTECTION FUNCTION	:	C.F.R. § 1.102(d)

This is a decision on the petition filed on June 2, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

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 at the same time electronically using the USPTO's electronic filing system (EFS), or EFS-web. The application

was filed in paper on April 11, 2008 as evidenced by the USPTO stamp on the Utility Patent Application Transmittal. No statement was made asserting that EFS and EFS-web were not available during the normal business hours. The petition was filed on a later date, June 2, 2009, using EFS.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application was not complete under 37 CFR § 1.51 and in condition for examination at the time of filing. A preliminary amendment was filed on April 11, 2008 to amend the drawings. See MPEP 708.02(a), subsection VIII.C. Conditions for Examination.

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 development or conservation of energy resources, under the new policy, is only sufficient for waiver of the required $130 petition fee. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link

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

Any inquiry regarding this decision should be directed to Jose' G. Dees, T-Quality Assurance Specialist, at (571) 272-1569.

Jose' G. Dees, T-Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Enclosure: Copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323)

(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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

Mail Date: 05/18/2010

Applicant	: Toshiki Taru	: DECISION ON REQUEST FOR
Patent Number	: 7643715	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/081,229	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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JAN 12 2009

In re Application of :
PETRICOIN, Emauel F. IIII :
Application No. 12/081,290 : DECISION ON PETITION
Filed: April 14, 2008 : TO WITHDRAW
Attorney Docket No. **65939-254019** : 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 17, 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 Michael A. Gollin on behalf of all attorneys of record who are associated with customer No. 26694. 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: **EMANUEL PETRICOIN**
15010 BROSCHART ROAD
ROCKVILLE, MD 20850-6365

cc: **GEORGE MASON UNIVERSITY**
4400 UNIVERSITY DRIVE
MSN 5G5
FAIRFAX, VA 22030

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Alexandria, VA 22313-1450
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CST

February 10, 2009

In re application of	:	DECISION ON REQUEST TO
Seiji Hayashi et al	:	PARTICIPATE IN PATENT
Serial No. 12/081,368	:	PROSECUTION HIGHWAY
Filed: April 15, 2008	:	PROGRAM AND
For: MANUFACTURING METHOD	:	PETITION TO MAKE SPECIAL
OF FILM INSERT MOLDED ARTICLE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, together with the preliminary amendment both filed December 16, 2008.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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OFFICE OF PETITIONS

MANELII DENISON & SELTER PLLC
2000 M STREET
7TH FLOOR
WASHINGTON, DC 20036

In re Application of :
George Simpson, et al. :
Application No. 12/081,381 : DECISION ON PETITION
Filed: April 15, 2008 :
Attorney Docket No. 84828 :

This is a decision on the petition, filed October 20, 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**.

This application was held abandoned for failure to reply to the Requirement for Statement Under §305(c) of the National Aeronautics and Space Act mailed August 6, 2008, which set a thirty (30) day shortened statutory period for reply. A Notice of Abandonment was mailed on September 29, 2009.

Petitioner asserts that the Office action dated August 6, 2008 was not received.

A review of the written record discloses that petitioner submitted a reply to the REQUIREMENT FOR STATEMENT UNDER §305(c) OF THE NATIONAL AERONAUTICS AND SPACE ACT mailed August 6, 2008. However, the reply was not received in the Office until October 16, 2008. No extensions of time under 1.136(a) or (b) were available. 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 non-received Office action would have been entered had it been received 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 fails to satisfy items (2) and (3) of the above-stated requirements.

Accordingly, absent the required evidence to establish non-receipt of the Office action of August 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 $1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

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

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

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
George Simpson, et al. :
Application No. 12/081,381 : DECISION ON PETITION
Filed: April 15, 2008 :
Attorney Docket No. 84828 :

This is a decision on the renewed petition, filed March 1, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Requirement for Statement Under §305(c) of the National Aeronautics and Space Act mailed August 6, 2008, which set a thirty (30) day shortened statutory period for reply. A Notice of Abandonment was mailed on September 29, 2009.

Petitioner asserts that the Office action dated August 6, 2008 was not received.

A review of the written record discloses that petitioner submitted a reply to the **REQUIREMENT FOR STATEMENT UNDER §305(c) OF THE NATIONAL AERONAUTICS AND SPACE ACT** mailed August 6, 2008. However, the reply was not received in the Office until October 16, 2008. No extensions of time under 1.136(a) or (b) were available.

Upon further review of the written record, there is no indication of 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**.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to Licensing and Review at their hotline 571-272-6622.

This application is being referred to Licensing and Review for the processing of the reply previously filed October 20, 2009.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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GUICE PATENTS PLLC
12647 GALVESTON COURT #302
MANASSAS VA 20112

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OFFICE OF PETITIONS

In re Application of :
Chang, Hsing-Wang :
Application No. 12/081,383 : ON PETITION
Filed: April 15, 2008 :
Attorney Docket No. 4602-0076 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 12, 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 payment of the basic filing fee, search fee, examination fee and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

The Power of Attorney to the petitioner was revoked on March 30, 2009 by the Assignee. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely 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) 272-3206.

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 2831 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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

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

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APR 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Cheng-Chun Chang	:	
Application No. 12/081,389	:	DECISION ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. BHT/3092-831	:	

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 May 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 application became abandoned on July 3, 2008. The Notice of Abandonment was mailed January 7, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $165 basic filing fee, the $270 search fee, the $110 examination fee and the $65 surcharge, (2) the petition fee of $810, 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 appropriate action on the reply received.

Chris Bottorff
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/081,403	04/15/2008	Seok Hoon Jang	7981.054.00	9668

7590 09/22/2009

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	

ART UNIT	PAPER NUMBER
3749	

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.

Nirmi Farmer

Patent Publication Branch
Office of Data Management

Replin. Ref: 09/24/2009 NFARMER 00013542800
DAM:500911 Name/Number: 12081403
FC: 9204 $510.00 CR

Adjustment date: 09/24/2009 NFARMER
04/16/2008 SZEMDIE1 00000127 12081403
02 FC:1111 -510.00 OP

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AUG 06 2009

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re application of Masahiko Kubo Application No. 12/081,495 Filed: April 16, 2008 For: COOLING DEVICE FOR ELECTRIC APPARATUS MOUNTED ON A VEHICLE	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 4, 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 the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed August 4, 2009, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 8/5/09

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DILLER, RAMIK & WIGHT
7345 MCWHORTER PLACE
SUITE 101
ANNANDALE VA 22003

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NOV 07 2008

OFFICE OF PETITIONS

In re Application of :
KELLY, William L. :
Application No. 12/081,504 : DECISION ON PETITION
Filed: April 17, 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 April 17, 2008 and resubmitted on November 05, 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 William Kelly's driver's licenses 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 3672 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

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AUG 1 4 2008

OFFICE OF PETITIONS

In re Application of :
YOSHIDA, YUICHI :
Application No. 12/081,535 : DECISION ON PETITION
Filed: April 17, 2008 :
Attorney Docket No. OKI-531 :

This is a decision on the petition filed July 16, 2008, requesting that the application be accorded a filing date of April 17, 2008, with page 44 of the specification (description and claims) as part of the original disclosure.

On April 17, 2008, applicant filed the above-identified application. On June 23, 2008, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of April 17, 2008, and advising applicant that page 44 of the specification (description and claims) appeared to have been omitted.

In response, on July 16, 2008, applicant submitted the present petition, a copy of page 44 of the specification, and a $400.00 petition fee. Additionally, applicant submitted a copy of applicant's return receipt, date-stamped postcard acknowledging receipt of, *inter alia*, "Specification excluding claims (47 pages) in the USPTO on April 17, 2008.

Upon a review of the record, page 44 of the specification, deposited on April 17, 2008, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 17, 2008, included page 44, which was subsequently misplaced in the USPTO. Therefore, the application, including page 44, was complete on filing and may be granted a filing date of April 17, 2008.

Accordingly, the petition is **granted**.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. No petition fee is necessary. The $400.00 petition fee will be refunded to the credit card.

This matter is being referred to the Office of Patent Application Processing to accord the above-identified application a filing date of April 17, 2008, using the pages of specification filed on that date, and page 44 of the specification submitted with the petition on July 16, 2008, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/081,608	04/17/2008	Shigekazu Kataoka	136725	2465

7590 03/01/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
03/01/2010	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: 03/01/2010 NFARMER
04/18/2008 SZEWDIE1 00000141 12081608
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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KING & SPALDING LLP (CITI CUSTOMER NUMBER)
ATTN: GEORGE T. MARCOU
1700 PENNSYLVANIA AVENUE, NW
SUITE 200
WASHINGTON, DC 20006

Mail Date: 07/13/2010

Applicant	: Nancy Bryant	: DECISION ON REQUEST FOR
Patent Number	: 7668781	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/081,609	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/17/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **114** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Seung-chan Park	: DECISION ON REQUEST FOR
Patent Number	: 7609994	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/081,641	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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NOV 16 2009

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of Ikuo Yamano Application No. 12/081,648 Filed: April 18, 2008 For: TRAVELING 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 November 12, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of 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") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

The request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

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

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 11/13/09

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Benjamin Mettavant	: DECISION ON REQUEST FOR
Patent Number	: 7578306	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/081,649	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/18/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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OFFICE OF PETITIONS

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
Hodneland et al.	:	
Application No. 12/081,650	:	DECISION ON PETITION
Filed: April 18, 2008	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.: 11641/227	:	§ 1.182
Title: IMMOBILIZATION OF	:	
BIOLOGICAL MOLECULES ONTO	:	
SURFACES COATED WITH MONOLAYERS	:	

This is a decision on the "RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATION CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES," filed July 21, 2008, which is being treated as a petition pursuant to 37 C.F.R. § 1.182. Petitioner has requested that the above-identified application, including Figure 5, be accorded a filing date of April 18, 2008 as part of the original disclosure.

This petition is **DISMISSED**.

The Office acknowledges submission of the $400.00 fee set forth in 37 CFR 1.17(f) for consideration of this petition.

The application was deposited on April 18, 2008. However, on May 16, 2008, the Office of Data Management mailed a "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES" (notice), stating, *inter alia*, that the application had been accorded a filing date, and advising applicants that Figure 5 appeared to have been omitted. The notice set a two-month period for reply.

In response, on April 18, 2008, Petitioner filed the present petition, along with a one-month extension of time so as to make timely this submission. Petitioner has asserted that Figure 5 was included on filing, and has included a copy of both a postcard receipt and the Utility Patent Application Transmittal (transmittal letter) that was included on filing, in order to support this allegation.

It is noted that Petitioner has asserted that the postcard receipt acknowledges "receipt of all 46 sheets of drawings as indicated on the attached copy of the Transmittal letter."[1] This assertion is inaccurate, for **the postcard receipt which Petitioner has provided with this petition contains no mention of the inclusion of any drawings.**

The transmittal letter that was included on filing indicates that "Drawings...Total Sheets 46" were included on filing. The electronic file has been reviewed, and 45 pages of drawings have been located (Figures 1-4 and 6-45E). Figure 5 has not been located.

M.P.E.P. § 503 sets forth, *in pertinent part*:

> RETURN POSTCARD
>
> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. 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.
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

---

1 Petition, page 1.

> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.
>
> The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.
>
> Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

As set forth above, Petitioner has alleged that Figure 5 was included on filing. The PTO has a well-established and well-publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO with a self-addressed postcard identifying the paper. A postcard receipt that *itemizes and properly identifies* the papers that are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO. See M.P.E.P. § 503, the pertinent portion of which has been reproduced above.

As set forth above, the postcard receipt makes no mention of the inclusion of drawings. Obviously, the degree on which an applicant may rely on a particular postcard receipt to establish receipt of a particular item depends on the specificity of the itemization contained thereon. It follows that a postcard that makes no mention of the inclusion of drawings cannot establish

that a particular number of drawing sheets was included on filing.

Regarding the transmittal letter, Petitioner will note that the inclusion of a transmittal letter on filing cannot stand in the place of a properly itemized postcard receipt.

Pursuant to the discussion above, the record does not support a finding that Figure 5 was included on filing.

The copy of Figure 5 that was provided with this petition will not be entered.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing, including the response to the sequence listing deficiencies set forth in the notice of May 16, 2008.

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
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.

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DRW May-09

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Park et al.	:	DECISION ON PETITION TO
Application Number: 12/081680	:	WITHDRAW HOLDING OF
Filing Date: 04/18/2008	:	ABANDONMENT
Attorney Docket Number: 6661-000109/US	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT," filed on February 17, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the Notice to File Corrected Application Papers mailed on May 29, 2008, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on February 5, 2009.

Petitioner asserts that a response to the Notice to File Corrected Application Papers mailed on May 29, 2008 was timely filed on July 29, 2008. In support, petitioners have supplied a copy of three (3) drawing sheets, an Information Disclosure Statement, and a postcard receipt asserted to have been timely filed. Petitioner notes that the postcard receipt, which bears a USPTO "Office date" stamp dated July 29, 2008, miscaptioned the application number as "12/081,68***1***".

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]

Under the circumstances of this case, as petitioner has provided convincing evidence that a reply to the Notice to File Corrected Application Papers mailed on May 29, 2008 was timely filed, there is no abandonment in fact.

The papers filed on July 29, 2008, have been located in the Office. A copy of the papers has been placed in the file of the subject application.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

No 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] A review of the official file reveals that three (3) replacement drawing sheets, were filed on July 29, 2009. As such, it is obvious that the reply included three (3) drawing sheets rather than five (5) drawing sheets. However, since the individual at the USPTO who compared petitioners' postcard to the items received found that the reply included at least three (3) sheets of replacement drawings, the evidence is persuasive that three (3) sheets of drawings, were among the papers filed on July 29, 2009.

13 MAY 2009

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Law Office of Micahel A. Sanzo, LLC
15400 Calhoun Drive, Suite 125
Rockville, Md. 20855

In re Application of	:	
SEILER et al	:	DECISION ON
Application No.: 12/081,711	:	
PCT No.: PCT/EP2006/066722	:	
Int. Filing Date: 26 September 2006	:	PETITION
Priority Date: 25 Ocotber 2005	:	
Attorney Docket No.: 3264	:	
For: Preparations Containing Hyperbranched	:	UNDER 37 CFR1.182
Polymers	:	

This is response to applicant's communication "PETITION UNDER 37 CFR 1.181 ... FILED UNDER 35 U.S.C. 371,"which is being treated as a petition under 37 CFR 1.182 to change the application type from filed under 35 USC 111(a) to filed under 35 USC 371 filed on 18 April 2008. The petition fee of $400.00 set forth in §1.17(h) has been charged to applicant's Depsoit Account No.: 50-4056 as specified in the petition.

BACKGROUND

On 26 September 2006, applicant filed international application PCT/EP2006/066722, which claimed priority of an earlier application filed 25 October 2005.

On 18 April 2008, applicant filed the application, which was accompanied by, inter alia, with the amount of $1,030.00 for the filing fees, ADS, and the translation of the Internaional Application into English. The application was processed as filing under 35 U.S.C. §111(a).

On 18 April 2008, applicants filed the instant petition to convert the above application filed under 35 USC §111(a) to a national stage application filed under 35 USC §371.

DISCUSSION

Any intended filing under 35 U.S.C. 371 a national stage application must clearly and unambiguously be identified as such, otherwise the submission will be treated as being filed under 35 U.S.C. 111(a). Note 37 CFR 1.494(f), 1.495(g) and MPEP 1893.03(a).

Applicant's submission did request treatment under 35 U.S.C. 371, as evidenced by the transmittal letter which states that "this application is U.S. national stage of international application PCT/EP2006/066722,..." and also the ADS states "This Application U.S. Naitonal Stage of PCT/EP2006/066722."

Therefore the application was improperly treated as an application under 35 U.S.C. 111 (a) (37 CFR 1.495(g)).

CONCLUSION

The petition under 37 CFR 1.182 for the reasons noted above is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OCT 01 2008

OFFICE OF PETITIONS

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of :

POPE, Malcom et al. :
Application No. 12/081,729 :
Filed: April 21, 2008 :
Attorney Docket No. **IP-401A** :

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

All future correspondence will be directed to the first named inventor Malcolm Pope 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: **MALCOLM POPE**
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON
HONG KONG
CHINA

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Martin D. Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington VA 22215

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SEP 26 2008

OFFICE OF PETITIONS

In re Application of
Livne et al.
Application No. 12/081,754
Filed: April 21, 2008
Attorney Docket No.433314

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 9, 2008 .

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item(s) (1) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Petitioner has presented evidence in the form of a postal receipt, which purportedly demonstrates that the non-signing inventor Koby received the application papers. However, the evidence presented is in Hebrew and not English. Thus, the Office is unable to establish the application papers were received. If the Office is unable to establish receipt of the application papers, inventors conduct cannot be construed as refusal. If the joint inventors were not presented with a copy of the application papers for this application, then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Unless petitioner can show that a copy of the application papers was presented to the joint inventors, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. If

petitioner wants the postcard and any other evidence to be considered, a translation must be submitted.

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Arlington VA 22215

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DEC 15 2008

OFFICE OF PETITIONS

In re Application of :
Sagi Livne, Amir Shiner, Rafi Koby and : DECISION GRANTING STATUS
Shlomo Namdar Kaufman : UNDER 37 CFR 1.47(a)
Application No. 12/081,754 :
Filed: April 21, 2008 :
Attorney Docket No. 43314

This is in response to the petition under 37 CFR 1.47(a), filed October 28, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Rafi Koby has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Rafi Koby
7 Dalton Street
P.O. Box 704
44864 Kochav Yair
Israel

In re Application of
Sagi Livne, Amir Shiner, Rafi Koby and
Shlomo Namdar Kaufman
Application No. 12/081,754
Filed: April 21, 2008
Attorney Docket No. 43314
For: Liquid Streaming Devices For Treating Wounds, Method Of Making Such Devices and Method of Using Such Devices For Treating Wounds

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DEC 15 2008

OFFICE OF PETITIONS

Dear Mr. Koby:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Martin D. Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington VA 22215

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/081,758	04/21/2008	Hyun-Chang Kang	301/080	3367

7590 11/02/2009

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

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/02/2009	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0032076264

Credit Card Refund Total: $660.00

Acct Exp...: XXXXXXXXXXX1283

Adjustment date: 11/02/2009 NFARMER
04/22/2008 DEMMANU1 00000034 12081750
02 FC:1111 -510.00 OP
04 FC:1202 -150.00 OP

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Edwards Angell Palmer & Dodge, LLP
P.O. Box 55874
Boston, MA 02205

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Harry A. Beale et al. :
Application No. 12/081,828 : DECISION ON PETITION
Filed: April 22, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 81294CIP(302945) : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 18, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

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AUG 25 2008

OFFICE OF PETITIONS

In re Application of :
Izumi, et al. :
Application No. 12/081,829 : ON PETITION
Filed: April 22, 2008 :
Attorney Docket No. 81347(304222) :

This is in response to the "PETITION UNDER CFR 1.57(A)(3) AND REQUEST FOR REFUND ", filed July 28, 2008, requesting that the above-referenced application be accorded a filing date of April 22, 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 April 22, 2008. However, on May 27, 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. Applicants request that the application be accorded the filing date of April 22, 2008 pursuant to 37 CFR 1.57.

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.

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[.]

Receipt of the drawing and the amendment, submitted with the instant petition, is acknowledged.

To the extent the instant petition requests a filing date of April 22, 2008 with no drawings present in the application on filing, the petition is **GRANTED**.

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 04-1105.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to April 22, 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 Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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JUN 11 2010

OFFICE OF PETITIONS

In re Application of
Takayanagi et al
Application No. 12/081,861
Filed: April 22, 2008
Attorney Docket No. 1080.1259

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 10, 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 May 5, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2835 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.*

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DUANE MORRIS LLP
Suite 900
505 9th Street, N.W.
Washington DC 20004

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APR 2 3 2009

OFFICE OF PETITIONS

In re Application of

Ichiro Kato

Application No. 12/081,866

Filed: April 22, 2008

Attorney Docket No. HIG0501006

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 July 17, 2008, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed May 16, 2008. The notice set forth a shortened period of reply of two months from its mailing date. A response was filed on July 16, 2008. On August 7, 2008, a Notice of Incomplete Reply was mailed stating that the declaration under 37 CFR 1.63 filed July 16, 2008, was deficient because it did not identify each inventor by his full name. The period for reply to the Notice of Incomplete Reply remained as set forth in the Notice to File Missing Parts of Nonprovisional Application. No response was received, and the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed January 29, 2009.

Petitioner asserts that a timely response to the Notice to File Missing Parts of Non-Provisional Application was timely filed on July 17, 2008. It does not appear, however, that petitioner is aware of the Notice of Incomplete Reply that was mailed August 7, 2008, that required a new declaration under 37 CFR 1.63 to be filed. Petitioner may wish to file a renewed petition to withdraw the holding of abandonment based on non-receipt of an Office action. Further to this point, Section 711.03(c) of the *Manual of Patent Examining Procedure* 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 renewed petition must be accompanied by a copy of petitioner's master docket record, or other adequate evidence to support petitioner's likely contention that the Notice of August 7, 2008, was not received.

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 G. 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

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JUL 31 2009

OFFICE OF PETITIONS

DUANE MORRIS LLP
Suite 900
505 9th Street, N.W.
Washington DC 20004

In re Application of

Ichiro Kato, et al.

Application No. 12/081,866

Filed: April 22, 2008

Attorney Docket No. HIG0501006

DECISION ON PETITION

This is a decision on the RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION AND IN THE ALTERNATIVE A PETITION TO REVIVE AN ABANDONED APPLICATION UNDER 37 CFR 1.137(a) OR UNDER 37 CFR 1.137(b) filed May 15, 2009.

The petition to withdraw the holding of abandonment is **granted.**

The petition under 37 CFR 1.137(a) is **dismissed.**

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

This application was held abandoned July 17, 2008, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed May 16, 2008. The notice set forth a shortened period of reply of two months from its mailing date. A response was filed on July 16, 2008. On August 7, 2008, a Notice of Incomplete Reply was mailed stating that the declaration under 37 CFR 1.63 filed July 16, 2008, was deficient because it did not identify each inventor by his full name. The period for reply to the Notice of Incomplete Reply remained as set forth in the Notice to File Missing Parts of Non-provisional Application. No response was received, and the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed January 29, 2009.

Petitioner argues that the declaration filed July 16, 2008, was a proper response to the Notice to File Missing Parts of Non-provisional Application in that the declaration did, in fact, identify each inventor by full name, including the family name and at least one given name without abbreviation. Petitioner, therefore argues that the Notice of Incomplete Reply mailed August 7, 2008, was incorrect in its requirement for a declaration that identified each inventor by full name because the declaration was filed previously on July 16, 2008.

A review of the application file history reveals the declaration filed July 16, 2008, listed the inventors as Ichiro Kato and Haruo Shiga. Accordingly, the requirement made by the Notice of

Incomplete Reply was in error. The holding of abandonment was improperly imposed as complete and proper reply to the Notice to File Missing Parts of Non-Provisional Application was present on July 16, 2008.

TREATMENT UNDER 37 CFR 1.137(a)

The petition under 37 CFR 1.137(a) is dismissed as moot because the application is being returned to a pending status pursuant to the decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181.

TREATMENT UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is also dismissed as moot because the application is being returned to a pending status pursuant to the decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181.

The application file is being directed to the Office of Patent Application Processing for further review.

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

THE WEINTRAUB GROUP, P.L.C.
28580 ORCHARD LAKE ROAD, SUITE 140
FARMINGTON HILLS MI 48334

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Shan, Wellen	:	
Application No. 12/081,882	:	ON PETITION
Filed: April 23, 2008	:	
Attorney Docket No. XIN-175-A-1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 24, 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 payment of the $270.00 search fee, $110.00 examination fee, and the $65.00 late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, 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 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 1794 for examination on the merits.

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.
12/081,918	04/23/2008	Shuhei Yada	2008_0681	4901

7590 03/17/2009

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

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/18/2009 BPOWELL
04/24/2008 SZEWDIEI 00000044 12081918
02 FC:1111 -510.00 OP

Adjustment Date: 03/18/2009 BPOWELL
02/20/2009 AGOITOM 00000021 503195 12321994
02 FC:1111 540.00 CR

Repln. Ref: 03/18/2009 BPOWELL 0016135000
DA#:230975 Name/Number:1208I918
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.
12/081,919	04/23/2008	Shuhei Yada	2008_0682	4897

7590 03/17/2009

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

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/18/2009 BPOWELL
04/24/2008 SZEWDIEI 00000043 12081919
02 FC:1111 -510.00 OP

Repln. Ref: 03/18/2009 BPOWELL 0016135000
DH#:230975 Name/Number:12081918
FC: 9204 $510.00 CR

Repln. Ref: 03/18/2009 BPOWELL 0016160800
DA#:230975 Name/Number:12081919
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.
12/081,934	04/23/2008	Jun Okumura	136849	4936

7590 05/28/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
DUONG, THANH P

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	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.

Niami Farmer

Patent Publication Branch
Office of Data Management

Rec'd. Ref: 05/28/2010 NFARMER 23.6142863
DRW:[illegible] Name/Number:12081934
FC: 5234 $720.00 CR

Adjustment date: 05/28/2010 NFARMER
04/24/2009 SZEWDIE1 00000055 12081934
02 FC:1111 -510.00 OP
04 FC:1201 -210.00 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
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD
SUITE 230
CASTLE ROCK, CO 80108

MAILED

NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20115
Application No. 12/082,029
Filed: April 07, 2008
Attorney Docket No. **1574-022PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

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
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD
SUITE 230
CASTLE ROCK, CO 80108

MAILED

NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20113
Application No. 12/082,036
Filed: April 07, 2008
Attorney Docket No. **1574-023PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

/ThurmanPage/

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD
SUITE 230
CASTLE ROCK, CO 80108

MAILED

NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20119
Application No. 12/082,037
Filed: April 07, 2008
Attorney Docket No. **1574-024PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 16 2009

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. 12/082,050 : NOTICE
Filed: April 7, 2008 :
Attorney Docket No. **1574-008PP** :

This is a notice regarding your request filed September 30, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD
SUITE 230
CASTLE ROCK, CO 80108

MAILED

NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20114
Application No. 12/082,051
Filed: April 07, 2008
Attorney Docket No. **1574-021PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Martin Vorbach	: DECISION ON REQUEST FOR
Patent Number	: 7602214	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/082,073	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/07/2008	: 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
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

COPY MAILED

DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of:	:	
Brzezowski et al.	:	
Application No. 12/082089	:	DECISION GRANTING
Filing or 371(c) Date: 04/07/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
SYSTEM AND METHOD FOR MONITORING	:	
AND MANAGING ENERGY PERFORMANCE	:	

This Decision is in response to the Petition Under 37 C.F.R. § 1.47(a), filed October 24, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Joseph G. Grabowski, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may 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

MR. JOSEPH GRABOWSKI
C/O JAMES E. TONREY, JR., ESQ.
WILENTZ, GOLDMAN & SPITZER P.A.
90 WOODBRIDGE CENTER DRIVE
SUITE 900 BOX 10
WOODBRIDGE, NJ 07095-0958

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of:
Brzezowski et al.
Application No. 12/082089 : LETTER
Filing or 371(c) Date: 04/07/2008
Title of Invention:
SYSTEM AND METHOD FOR MONITORING
AND MANAGING ENERGY PERFORMANCE

Dear Mr. Grabowski:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

CC: LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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.
12/082,089	04/07/2008	Edward H. Brzezowski	NOVEDA 3.0-001	6882

530 7590 02/22/2010

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	
BRZEZOWSKI et al.	:	DECISION ON PETITION
Application No. 12/082,089	:	TO MAKE SPECIAL UNDER
Filed: 07 April 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. NOVEDA 3.0-001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 18 December 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant

will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 702/062) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

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 inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2857 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HENRY I SCHANZER
29 BROOKFALL RD
EDISON, NJ 08817

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APR 2 9 2009

OFFICE OF PETITIONS

In re Application of Brody :
Application No. 12/082,108 : Decision on Petition
Filing Date: April 9, 2008 :
Attorney Docket No. Brody-2 :

This is a decision on the petition filed January 21, 2009, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration under 37 CFR 1.181 must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Facts

The Office mailed a Notice to File Corrected Application Papers on May 1, 2008. The Notice stated.

> The drawings [previously] 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) 1F.

The May 1, 2008 Notice set an extendable time period for reply of two months.

Petitioner filed a reply on June 26, 2008.

The Office determined the drawings filed June 26, 2008, failed to comply with the requirements set forth in the May 1, 2008 Notice. As a result, a Notice of Incomplete Reply (Nonprovisional) was mailed on July 14, 2008. The Notice stated,

> The drawings submitted [June 26, 2008,] 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) 1F.

The July 14, 2008 Notice did not set forth a new time period for reply. Instead, the time period set forth in the May 1, 2008 Notice continued to run.

The Office did not receive a new set of drawings or a request for an extension of time. Therefore, the application became abandoned on July 1, 2008.

On January 8, 2009, the Office mailed a Notice of Abandonment. The Notice stated the application was abandoned because no reply had been received in response to the May 1, 2008 Notice. The language in the Notice of Abandonment was incorrect in so far as a reply had been received. The Notice of Abandonment should have stated that no *proper* reply had been received.

Discussion

Petitioner requests the holding of abandonment be withdrawn based on non-receipt of the Notice of Incomplete Reply.

The Office need not decide whether or not the July 14, 2008 Notice was received because, even if the Notice was not received, the application would still be abandoned.

The only purpose of the issuance of the July 14, 2008 Notice was to notify petitioner of a deficiency in the reply filed June 26, 2008. Despite the fact the Office tries to notify parties when a defective paper has been filed in order to allow the party to refile a correct paper, the Office has no obligation to take such a step.[1] In other words, a party has no right to notification of a deficiency in a reply and the application will become abandoned even if the party does not receive such notice.

The instant situation is similar to the situation arising when a party fails to receive an Advisory Action mailed after a reply has been filed in response to final Office action. The Office has consistently held that a failure to receive an Advisory Action will not prevent the abandonment of an application.

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 (corrected drawings), the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a PDF "fillable" version of a petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

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[1] *In re Colombo, Inc.*, 33 U.S.P.Q.2d (BNA) 1530, 1532 (Comm'r Pat. 1994) (*citing In re Holland American Wafer Co.*, 737 F.2d 1015 (Fed. Cir. 1984) and *In re Fuller-Jeffrey Broadcasting Corp. of Santa Rosa*, 16 U.S.P.Q.2d (BNA) 1456 (Comm'r Pats. 1990)).

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

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

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

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Copy of Notice of Incomplete Reply mailed July 14, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/082,108	04/09/2008	Spencer Brody	BRODY-2

CONFIRMATION NO. 7127

HENRY I SCHANZER
29 BROOKFALL RD
EDISON, NJ 08817

FORMALITIES LETTER

OC000000030902375

Date Mailed: 07/14/2008

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/26/2008 to the Notice to File Missing Parts (Notice) mailed 05/01/2008 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136(a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Items Required to Avoid Abandonment:

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1F.

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.

/kgebremichael/

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

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DRW Jun-09

HENRY I SCHANZER
29 BROOKFALL RD
EDISON NJ 08817

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JUN 29 2009

OFFICE OF PETITIONS

In re Application of :
Spencer Brody :
Application Number: 12/082108 : DECISION ON PETITION
Filing Date: 04/09/2008 :
Attorney Docket Number: BRODY-2 :
:

This is a decision on the petition filed on June 15, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

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

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

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

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

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

The application became abandoned on July 2, 2008 for failure to timely and properly respond to the Notice to File Corrected Application Papers mailed on May 1, 2008, which set a two (2)-month shortened period for reply. Petitioners filed replacement drawings on June 26, 2008. However, on July 14, 2008, the Office mailed a Notice of Incomplete Reply (Nonprovisional) stating that the drawings were not in compliance with 37 CFR 1.84 and 1.121(d), and that the period for reply set in the prior-filed Notice remains in effect. Notice of Abandonment was mailed on January 8, 2009. A petition to withdraw the holding of abandonment was filed on January 21, 2009, accompanied by four (4) drawing sheets. On April 29, 2009, the petition was dismissed.

The present petition was filed on June 15, 2009, accompanied by one (1) drawing sheet.

This 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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD,
SUITE 230
CASTLE ROCK CO 80108

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Patent No. PP20203 :
Issue Date: August 4, 2009 :
Application No. 12/082,132 : NOTICE
Filed: April 9, 2008 :
Attorney Docket No. 1574-030PP :

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:

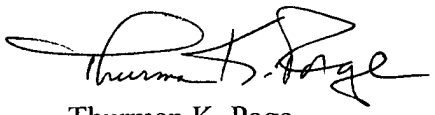
(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(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 Diane C. Goodwyn at (571) 272-6735.



Thurman K. Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK CO 80108

In re Patent No. PP20203	:	
Issue Date: August 4, 2009	:	
Application No. 12/082,132	:	NOTICE
Filed: April 9, 2008	:	
Attorney Docket No. 1574-030PP	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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858 HAPPY CANYON ROAD
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CASTLE ROCK, CO 80108

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NOV 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP20215
Application No. 12/082,134
Filed: April 09, 2008
Attorney Docket No. **1574-029PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

/Thurman K Page/

Thurman Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. PP20142
Application No. 12/082,135
Filed: April 09, 2008
Attorney Docket No. **1574-019PP**

NOTICE UNDER 37 CFR. 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On July 31, 2008, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

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858 HAPPY CANYON ROAD,
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JAN 07 2010

OFFICE OF PETITIONS

In re Patent No. PP20143 :
Issue Date: June 30, 2009 :
Application No. 12/082,160 : NOTICE
Filed: April 9, 2008 :
Attorney Docket No. 1574-032PP :

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 Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

MAILED

MAR 2 4 2010

OFFICE OF PETITIONS

In re Patent No. PP20143 :
Issue Date: June 30, 2009 :
Application No. 12/082,160 : NOTICE
Filed: April 9, 2008 :
Attorney Docket No. 1574-032PP :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/082,175	04/09/2008	Timo Ahopelto	07308/RPM	7590

1933 7590 09/25/2009

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

EXAMINER	
CUMMING, WILLIAM D	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
09/25/2009	PAPER

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

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

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Alexandria, VA 22313-1450
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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
AHOPELTO, TIMO, et al.	:	DECISION ON REQUEST TO
Application No. 12/082,175	:	PARTICIPATE IN PATENT
Filed: April 10, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 07308/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 7, 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 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 Doris To at 571-272-7629.

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

22

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DEPARTMENT OF THE AIR FORCE
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WRIGHT-PATTERSON AFB OH 45433-7109

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MAR 1 8 2009

OFFICE OF PETITIONS

In re Application of :
Jozsef Czege, et al. :
Application No. 12/082,195 : DECISION ON PETITION
Filed: March 31, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. AFD 995 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 29, 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, 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.

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 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 1655 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Wollenberg, et al.
Application No. 12/082,217
Deposited: April 9, 2008
Attorney Docket No. T-6298C (538-62 CON)

ON PETITION

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a)" filed July 25, 2008 (certificate of mailing date July 23, 2008), requesting that the above-referenced application be accorded a filing date of April 9, 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 April 9, 2008. However, on May 30, 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 1.78.

Petitioners' arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

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

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

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 April 9, 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 April 9, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Applicants should file a formal amendment to add Figures 1-3 from the prior-filed application.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

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VertiFlex, Inc.
1351 Calle Avanzado
San Clemente, CA 92673

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OFFICE OF PETITIONS

In re Application of	:	
Moti Altarac, et. al.	:	DECISION ON PETITION
Application No. 12/082,303	:	TO WITHDRAW FROM
Filed: April 9, 2008	:	RECORD
Attorney Docket No. VFX012001800	:	

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

Andrea Smith
Petitions Examiner
Office of Petitions

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PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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OFFICE OF PETITIONS

In re Application of	:	
Cook, et al.	:	
Application No. 12/082,342	:	DECISION
Filed/Deposited: 10 April, 2008	:	
Attorney Docket No. AM100535 C1	:	

This is a decision on the petition filed 2 July, 2008, supplemented on 3 November, 2008,seeking to have accorded a filing date of 10 April, 2008, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed co-pending nonprovisional application to which this application claimed benefit (under 37 C.F.R. §1.78) on filing.

For the reasons stated herein, the petition is **DISMISSED**.

Application papers in the above-identified application were deposited on 10 April, 2008.

On 5 May, 2008, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence). The Office indicated that Petitioner could demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings/figures and accept the date of submission as the filing date. The Office gave Petitioner two (2) months within which to reply.

On 2 July, 2008, Petitioner filed, *inter alia*, the instant petition with fee, and amendment and 29 sheets of drawings, FIGS. 1-29, averred to be a copy from the parent of the previously omitted drawings FIGS. 1-29, from the parent/previously-filed Nonprovisional Application No. 10/046,727 (the '727 application), filed on 21 September, 2004, to which application a priority claim was made in the instant application. The petition was supplemented on 3 November, 2008.

Petitioner asserts that the drawing/figures were inadvertently omitted from the instant application; and points to the prior filed Application No. 10/046,727 (the '727 application), and

now seeks to obtain an incorporation by reference herein under the provisions of 37 C.F.R. §1.57(a). Petitioner appears to have filed an amendment under the rule.

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/process/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.

The express incorporation by reference entitled Petitioner to file an amendment under 37 C.F.R. §1.57(b) to add the subject matter of the non-provisional application into the disclosure of this application. Please note that no petition is required for that purpose and that the amendment must comply with 37 C.F.R. §1.57(b) and 37 C.F.R. §1.121 (*See*: MPEP §201.06(c)(IV).) Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

The Petition fee is waived and is refunded via Deposit Account 01-1425. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to 10 April, 2008**;
- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **issuance of a filing receipt.**

It is also noted that the drawings filed on 27 June, 2008, are not considered to be an amendment to the application and are not in compliance with 37 C.F.R. §1.121. (*See*: *inter alia*, 37 C.F.R. §1.121(d).) However, when Petitioner submits an amendment to enter drawings into this application, entry of that amendment will be determined by the Examiner.

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214.

Anthony Knight
Supervisor
Office of Petitions

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CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA, CA 90401-4110

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OFFICE OF PETITIONS

In re Application of :
INGJALDSDOTTIR ET AL. :
Application No. 12/082,418 :
Filed: April 11, 2008 :
Attorney Docket No. 07-19828 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 16, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 and 5 above for the reasons as explained in more detail below.

In regard to item 1, this application has been classified (USPC 52/79.9) in an area that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified else where. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

It is noted that in the "STATEMENT OF SPECIAL STATUS" attached to the petition, petitioner stated that "the classification of this application includes U.S. Classification 52/794.1, which is one of the qualifying classifications under the Green Technology Pilot Program." However, while the pre-grant publication published from the instant application may have had secondary classifications that were on the list of qualifying classifications for the Green Technology Pilot Program, it is the primary classification of the application that controls and the primary classification for the present application according to Patent Application and Location Monitoring (PALM) is USPC 52/79.9, which is not one of the eligible U.S. classifications for the Pilot Program.

In regard to item 5, the instant invention relates to "AFFORDABLE, SUSTAINABLE BUILDINGS COMPRISED OF RECYCLABLE MATERIALS AND METHODS THEREOF". In the statement accompanying the instant petition, the petitioner states the basis for Applicant's claim to special status is that the invention "materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements." Petitioner argues that this is accomplished (i.e., meets the materiality standard) "by utilizing recyclable material and implementing an efficient production system." However, petitioner should note that any potential enhancement of the quality of the environment depends on how an end user might use the instant invention. As stated in the Notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specifically apply the invention in a manner that could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (V).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (A) or (B).

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

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

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 3633 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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APR 2 9 2010

Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

In re Application of	:	
INGJALDSDOTTIR et al.	:	DECISION ON PETITION
Application No. 12/082,418	:	TO MAKE SPECIAL UNDER
Filed: April 11, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 07-19828	:	PILOT PROGRAM

This is a decision on the petition for reconsideration of dismissal of applicant's petition under 37 CFR 1.102(c)(2), filed February 12, 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 **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lack item 1 and 5.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 52/79.9) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Petitioner's assertion that the instant application has the classification of 52/794.1 was incorrect. The application has, in fact, been placed in the USPC area of 52/79.9 which is the most appropriate classification and the best examinable area for the claimed invention based upon current U.S. classification guidelines.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. Petitioner suggests that the materiality standard can be gleaned from the specification which discloses "a system of constructing houses and other buildings in a much more efficient manner than current construction methods by using standardized parts manufactured under efficient, controlled conditions, and by using recyclable materials and other materials in the construction of the structures referenced in the application, as well as using construction principles that eliminate waste and make for much more energy efficient structures." However, there is no evidence in the *claimed* invention that remotely suggests a more efficient construction process, or recyclable materials, or construction principles that eliminate waste and make an energy efficient building structure. The claimed building structure, which comprises of a foundation, a frame module, a plurality of connectors, a wall panel, a floor panel and a ceiling panel, is a basic and standardized building structure which is not necessarily energy efficient. The claimed prefabricated constituent parts that were manufactured off-site are common and well known, and show no evidence of energy efficiency. The claimed adjustable connector plate with an adjustment slide, a track, a threaded pipe, an adjustment screw and a fixed orifice suggests nothing about energy efficiency. The claimed wall panel with insulator made of an expanded polystyrene core is a well known wall panel that is not necessarily energy efficient. Petitioner's comments are merely a speculation on the energy efficiency of the claimed building structure.

As stated in the notice, 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 than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3633 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/082,444	04/10/2008	Arpan Chakraborty	P0864US-7	8566

23935 7590 02/19/2010
KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road
SUITE 215
Westlake Village, CA 91361-5827

EXAMINER	
MANDALA, VICTOR A	

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

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2815 Townsgate Road
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Westlake Village CA 91361-5827

In re Application of	:	
Arpan CHAKRABORTY	:	DECISION ON PETITION
Application No. 12/082,444	:	TO MAKE SPECIAL UNDER
Filed: 10 April 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. P0864US-7	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 29 December 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2826 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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GAZDZINSKI & ASSOCIATES
Suite 375
11440 West Bernardo Court
San Diego CA 92127

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OFFICE OF PETITIONS

In re Application of	:	
MIKKOLA et al.	:	
Application No. 12/082,514	:	DECISION DISMISSING
Filed: April 11, 2008	:	PETITION
Attorney Docket No. LKP.016A/OP101815	:	

This is a decision on the petition under 37 CFR 1.10(d), filed May 5, 2008, requesting that the above-identified application be accorded a filing date of April 10, 2008, rather than the presently accorded date of April 11, 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 Office of Patent Application Processing with the presently accorded filing date of April 11, 2008.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 10, 2008, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by the Declaration of Carrie L. Decoro, the person who deposited the application in the designated mailbox for Express Mail.

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).

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.

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the

last time on the date of deposit. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). See Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994).

On petition, petitioner did not provide any evidence from the USPS (e.g. "Express Mail" Corporate Account Mailing Statement) or evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail" (e.g. mail log). Petitioner's attention is directed to 37 CFR 1.10(b), which states, in part:

> 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.

Therefore, petitioner has failed to submit sufficient corroborating evidence as required by the rule. Accordingly, the petition 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 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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GAZDZINSKI & ASSOCIATES
Suite 375
11440 West Bernardo Court
San Diego CA 92127

COPY MAILED
DEC 03 2008

In re Application of	:	
MIKKOLA et al.	:	
Application No. 12/082,514	:	DECISION DISMISSING
Filed: April 11, 2008	:	PETITION
Attorney Docket No. LKP.016A/OP101815	:	

This is a decision on the renewed petition under 37 CFR 1.10(d), filed August 28, 2008, requesting that the above-identified application be accorded a filing date of April 10, 2008, rather than the presently accorded date of April 11, 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 Office of Patent Application Processing with the presently accorded filing date of April 11, 2008.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 10, 2008, pursuant to the requirements of 37 CFR 1.10. With the present renewed petition, petitioner provided the Declaration of Susan Tassinari indicating that the referenced application was placed in the Express Mail box located at 11440 West Bernardo Court, San Diego, CA 92127, USPS Location Id No. 9212700021 for filing on April 10, 2008, as personally witnessed by her. Furthermore, petitioner states that the USPS has indicated to petitioner that no Express Mail Log is maintained to verify this fact.

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).

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 from petitioner 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 **kept by the law firm**, 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.

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). See Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994).

On renewed petition, petitioner did not provide any evidence from the USPS (e.g. "Express Mail" Corporate Account Mailing Statement) that the application papers were deposited in Express Mail service on April 10, 2008. Additionally, the Declaration of Susan Tassinari is not **evidence from petitioner that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail"** (e.g. law firm's mail log) as required by 37 CFR 1.10(d). If petitioner is unable to provide evidence from the USPS corroborating the date of deposit as April 10, 2008, then petitioner must submit a copy of the firm's mail log or other similar evidence maintained by petitioner that came into being after deposit and within one day of the deposit of the correspondence as "Express Mail" as indicated above.

Accordingly, petitioner has failed to submit sufficient corroborating evidence as required by the 37 CFR 1.10(d). The renewed petition 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 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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

10 JUL 2009

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

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Suite 375
11440 West Bernardo Court
San Diego CA 92127

In re Application of:	:	
MIKKOLA, Jyrki, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/082,514	:	FOR REVIVAL UNDER
Filing Date: April 11, 2008	:	37 CFR 1.137(b)
Attorney's Docket No.: LKP.016A/OP101815	:	
For: INTERNAL ANTENNA AND METHODS	:	

This decision is issued in response to the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed April 21, 2009. Deposit Account No. 50-1423 will be charged the required petition fee.

BACKGROUND

On September 25, 2006, applicants filed international application PCT/FI2006/050407. The application claimed an earlier priority date of October 10, 2005, and it designated the United States. The deadline for requesting entry into the national stage in the United States and paying the basic national fee was thirty months from the priority date, i.e., April 10, 2008.

Applicants did not request entry into the national stage in the United States and pay the basic national fee prior to the expiration of the thirty-month deadline. Accordingly, international application PCT/FI2006/050407 became abandoned with respect to the United States as of midnight on April 10, 2008.

On April 11, 2008, applicants filed the present application. The application materials included a preliminary amendment adding the following reference to the first line of the specification: "This application claims priority to International PCT Application No. PCT/FI2006/050407 having an international filing date of September 25, 2006."

On April 21, 2009, applicants filed the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" considered herein. The petition seeks revival of international application PCT/FI2006/050407 for purposes of establishing co-pendency with the present application.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this

section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicants here have failed to satisfy item (1).

Pursuant to MPEP § 711.03(c), the filing of a continuation application under 35 U.S.C. 111(a) is considered an appropriate "required reply" under 37 CFR 1.137(b). However, as discussed below, the present application is not a proper continuation of the international application.

37 CFR 1.78(a)(2)(i) requires that a continuity reference to a prior-filed international application must include the international application number, the international filing date, and the relationship of the applications. As set forth in MPEP section 201.11(III)(A):

> 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.

In addition, pursuant to 37 CFR 1.78(a)(2)(iii), the reference must be included in an application data sheet (ADS) filed under 37 CFR 1.76 or in the first of the specification after the title.

Here, the first line of the specification, as amended, does not include a proper reference to the prior-filed international application. Specifically, the reference in the specification does not include the relationship between the applications, indicating only that the present application "claims priority to" the international application.[1] The present application therefore does not comply with the requirements of 37 CFR 1.78 and is not a proper continuation of the international application. Accordingly, the filing of the present application cannot be treated as the "required reply" necessary for a grantable petition to revive the international application under 37 CFR 1.137(b).

Because the "required reply" has not been provided, the petition for revival of the international application is appropriately dismissed.

It is noted that, because a proper benefit claim under 35 U.S.C. 120 and 37 CFR 1.78 directed to the international application was not submitted prior to the expiration of the time limit set forth in 37 CFR 1.78(a)(2)(ii), any attempt to add such a benefit claim to the present application would need to be accompanied by a grantable petition for acceptance of an unintentionally delayed benefit claim under 37 CFR1 .78(a)(3).

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[1] Applicants have not filed an application data sheet (ADS) containing the required benefit reference either.

CONCLUSION

Applicants' petition for revival of international application PCT/FI2006/050407 under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and include the materials required to make the present application a proper continuation of PCT/FI2006/050407 in compliance with the requirements of 37 CFR 1.78.

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

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

22 SEP 2009

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GAZDZINSKI & ASSOCIATES
Suite 375
11440 West Bernardo Court
San Diego CA 92127

In re Application of:	:	
MIKKOLA, Jyrki, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/082,514	:	PETITION FOR REVIVAL
Filing Date: April 11, 2008	:	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: LKP.016A/OP101815	:	AND PETITION UNDER
For: INTERNAL ANTENNA AND METHODS	:	37 CFR 1.78(a)(3)
	:	

This decision is issued in response to the "Renewed Petition Under 37 C.F.R. § 1.137(b)" and the petition under 37 CFR 1.78(a)(3) included therein, filed August 07, 2009. Deposit Account No. 50-1423 will be charged the required $1,410 petition fee for the petition under 37 CFR 1.78(a)(3).

BACKGROUND

The background for the present application was set forth in the decision mailed on July 10, 2009. The decision dismissed without prejudice applicants' petition for revival of international application PCT/FI2006/050407 for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide the "required reply" in the form of a U.S. application properly identified as a continuation of the international application. The decision also indicated that a petition under 37 CFR 1.78(a)(3) was required to add to the present application a proper continuity reference directed to the international application.

On August 07, 2009, applicants filed the "Renewed Petition Under 37 C.F.R. § 1.137(b)" considered herein. The renewed petition for revival includes a petition under 37 CFR 1.78(a)(3), also considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.78(a)(3)

A petition under 37 CFR 1.78(a)(3) is appropriate for applications filed on or after November 29, 2000 in which the applicant seeks to add a delayed benefit claim directed to a prior-filed international application. 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 under 35 U.S.C.

120 to the prior filed international application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore this is a proper petition under 37 CFR 1.78(a)(3).

A grantable petition under 37 CFR 1.78(a)(3) must include:

1. the reference to the prior-filed application, as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
2. the surcharge set forth in 37 CFR 1.17(t); 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 petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a proper reference identifying the present application as a continuation of PCT/FI2006/050407 has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains statements that are construed herein as the required statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.[1] Accordingly, having found that the 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 appropriately 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 <u>not</u> be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 365(c) and 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 <u>not</u> be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt which includes the domestic benefit claim under 35 U.S.C. 120 to the prior-filed international application accompanies this decision on petition.

2. Renewed Petition For Revival Under 37 CFR 1.137(b)

Applicants' original petition for revival of the international application was dismissed without prejudice for failure to provide the "required reply." As set forth in the previous

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[1] Applicants must inform the Office if this is not a proper interpretation of applicants' statements herein.

decision, pursuant to MPEP section 711.03(c), the filing of a continuation application under 35 U.S.C. 111(a) is considered an appropriate "required reply" under 37 CFR 1.137(b).

Based on the granting of the accompanying petition under 37 CFR 1.78(a)(3) (discussed above), the present application is now properly identified as a continuation of international application PCT/FI2006/050407. Accordingly, applicants have now filed the "required reply" in the form of a U.S. application properly identified as a continuation of the international application. The final element of a grantable petition for revival has therefore been satisfied.

Based on the above, applicants have now satisfied all the requirements for a grantable petition to revive the international application with respect to the United States.

CONCLUSION

Applicants' petition under 37 CFR 1.78(a)(3) for acceptance of an unintentionally delayed claim of domestic priority under 35 U.S.C. 120 with respect to international application PCT/FI2006/050407 is **GRANTED**.

Deposit Account No. 50-1423 will be charged the required $1,410 petition fee.

A corrected Filing Receipt is mailed herewith identifying the present application is a continuation of PCT/FI2006/050407, filed 25 September 2006.

The renewed petition under 37 CFR 1.137(b) for revival of international application PCT/FI2006/050407 with respect to the United States is **GRANTED**.

International application PCT/FI2006/050407 is being revived for purposes of continuity only, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuation application, 12/082,514.

Any inquiries concerning this decision may be directed to Richard M. Ross at (571) 272-3296. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being referred to Group Art Unit 2821 for further processing.

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

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

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SEP 15 2008

In re Application of :
Kunihiro Sugita :
Application No. 12/082,553 : ON PETITION
Filed: April 11, 2008 :
Attorney Docket: F-9735 :

This is a decision on the petition filed July 10, 2008 (certificate of mailing July 7, 2008), requesting in effect, the "Notice of Omitted Item(s) in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of April 11, 2008 including figure 2c.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). 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 April 11, 2008.

The petition is **DISMISSED**.

The application was filed on April 11, 2008. However, on May 6, 2008, the Office of Patent Application Processing mailed a "Notice of Omitted Items in a Nonprovisional Application " herein after "Notice" stating that the application had been accorded a filing date of April 11, 2008 but figure 2c as described in the specification appeared to have been omitted.

In response, a copy of figure 2c and the present petition were filed on July 10, 2008. Petitioner contends figure 2c as described in the specification was included in the original application papers filed on April 11, 2008.

The argument that figure 2c as described in the specification was filed in the present application on April 11, 2008, is not persuasive. The PTO file is the official record of the papers originally filed in this application. A review of the official

file reveals that figure 2c was not filed on April 11, 2008. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of evidence. Petitioner relies upon applicant's copy of the application purportedly as filed. Petitioner's copy of the application "as filed" is not more persuasive than the record of what was filed as shown in the official file.

Petitioner has also provided a copy of a an Express Mail Label. The Express Mail Label serves to show that the Office received correspondence, which is not in question. The Express Mail label does not establish the Office received figure 2c.

Petitioner has provided a copy of a postcard which has been annotated to state that one sheet of drawings was missing. The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or **missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO.** See section 503, Manual Of Patent Examining Procedure (MPEP 503).

If Applicant wants to have figure 2c entered applicant will have to request the later filing date of July 10, 2008. A declaration referencing figure 2c will be required.

If applicant wishes to maintain the filing date of April 11, 2008 without figure 2c as described in the specification, a preliminary amendment amending the specification and renumbering the drawings should be submitted prior to the first Office Action.

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**

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

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Commissioner for Patents
United States Patent and Trademark Office
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SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of :
Karen Kay Kalla :
Application No. 12/082,566 : ON PETITION
Filed: April 11, 2008 :
Attorney Docket No. 10788 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 Missing Parts of Nonprovisional Application (Notice) mailed May 2, 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 July 3, 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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/082,566	04/11/2008	Karen Kay Kalla	10788

CONFIRMATION NO. 9029

27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

POA ACCEPTANCE LETTER

OC000000036212095

Date Mailed: 05/29/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/08/2009.

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

/idingle/

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

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APR 23 2010

OFFICE OF PETITIONS

REILLY INTELLECTUAL PROPERTY LAW FIRM
1325 East 16th Avenue
DENVER CO 80218

In re Application of :
Randall A. HOLLIDAY :
Application No. 12/082,584 : DECISION ON PETITION
Filed: April 11, 2008 :
Attorney Docket No. 6282 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 22, 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 February 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 19, 2009. Accordingly, the date of abandonment of this application is February 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-7099 or in his absence, the undersigned at (571) 272-7099.

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

David A. Bucci
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

EXPRESS MAIL LABEL # EV597938967US

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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	Not Yet Allocated	Confirmation Number		Filing Date	2008-04-11
Attorney Docket Number (optional)	IISI-P21-US	Art Unit	3765	Examiner	Not Yet Assigned
First Named Inventor	ST. GERMAIN, George Frederick Dennis				
Title of Invention	SYNTHETIC SLING WHOSE COMPONENT PARTS HAVE OPPOSING LAYS				

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

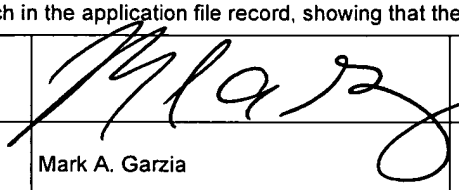
Given Name	Middle Name	Family Name	Suffix
George	Frederick Dennis	St. Germain	

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		Date (YYYY-MM-DD)	2008-04-11
Name	Mark A. Garzia	Registration Number	35517

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K & L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO, CA 92130

MAILED

MAR 22 2010

OFFICE OF PETITIONS

Applicant: Madison, et al.
Appl. No.: 12/082,662
Filing Date: April 11, 2008
Title: MODIFIED FACTOR VII POLYPEPTIDES AND USES THEREOF
Attorney Docket.: 119357-00059/4913
Pub. No.: US 2009/0098103 A1
Pub. Date: April 16, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on May 14, 2009, for the above-identified application.

The request is granted.

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

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

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

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WOOD, HERRON & EVANS, LLP
CLEMENT H. LUKEN
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

MAILED

FEB 11 2009

OFFICE OF PETITIONS

Applicant: Wen-Chen Su et al.
Appl. No.: 12/082,683
Filing Date: April 11, 2008
Title: THE DRESSING APPLICATOR
Attorney Docket No.: VALVO-28USCP
Pub. No.: US 2008/0253824 A1
Pub. Date: October 26, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 10, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the Attorney's correspondence address "WOOD, HERRON & EVANS, LLP, 2700 Carew Tower, 441 Vine St., Cincinnati, OH 45202" is mislabeled as "Mr. David W. Carrithers, CARRITHERS LAW OFFICE, PLLC, Ste. 206, 6200 Dutchman's Lane, Louisville, KY 40205."

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

The errors in the correspondence address on the front page of the publication may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error in the Attorney's correspondence address does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application

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

publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The omission of the benefit claims to nonprovisional application No 10/990,209, 10/437,762, and 10/437,568 are not material errors under 37 CFR 1.221(b) because the benefit claim to those applications is improper. The benefit claim provided by Applicant on page 1 of the specification does not specify a specific relationship. See 35 U.S.C. 120, 37 CFR 1.78 and MPEP 201.11.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive.

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

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

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

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

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

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

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

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of :
Su et al. :
Application No. 12/082,683 : DECISION ON PETITION
Filed: April 11, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. VALVO-28USCP :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 13, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the

statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The Office will charge the required $1,410.00 fee to the Deposit Account as authorized.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

As advised in the decision mailed February 11, 2009, a separate "request for republication of an application previously published"[1] may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

[1] "Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects." 37 CFR 1.4(c).

This application is being forwarded to Technology Center Art Unit 3751 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

C. T. Donnell

Christina Tartera Donnell
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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/082,683	04/11/2008	3751	1160	VALVO-28USCP	19	3

CONFIRMATION NO. 9177

CORRECTED FILING RECEIPT

26875
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

Date Mailed: 05/03/2010

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)

Wen-Chen Su, Lexington, KY;
Richard J. Baumgart, Paris, KY;

Power of Attorney: The patent practitioners associated with Customer Number 26875

Domestic Priority data as claimed by applicant

This application is a CIP of 11/230,835 09/20/2005 PAT 7,658,565
which is a CIP of 10/437,658 05/14/2003 PAT 6,945,722

Foreign Applications

If Required, Foreign Filing License Granted: 05/01/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/082,683**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Tire dressing applicator

Preliminary Class

401

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Victor Tijerina-Ramos	: DECISION ON REQUEST FOR
Patent Number	: 7610776	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/082,702	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **13** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABELMAN, FRAYNE & SCHWAB
10TH FLOOR
666 THIRD AVENUE
NEW YORK, NY 10017

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AUG 14 2008

OFFICE OF PETITIONS

In re Application of Fielitz et al. :
Application No. 12/082,708 : Decision on Petition
Filing Date: April 11, 2008 :
Attorney Docket No. 209,540 :

This is a decision in response to the petition filed May 9, 2008, requesting, in effect, that the drawing sheet containing Figure 2 filed on May 9, 2008, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed April 11, 2008.

The Office of Initial Patent Examination mailed a Notice of Omitted Items on May 5, 2008. The Notice stated Figure 2 described in the specification did not appear to be part of the application as filed.

Petitioner alleges Figure 2 was filed with the original application. Petitioner alleges the drawings consisted of two sheets with the first sheet containing Figure 1 and the second sheet containing Figure 2.

The USPTO file only contains sheet 1 consisting of Figure 1. However petitioner has submitted a postcard receipt acknowledging receipt of two sheets of drawings on April 11, 2008.[1] Therefore, the Office is persuaded that Figure 2 was part of the originally filed application but was later misplaced by the Office.

The petition fee has been credited back to petitioner's deposit account.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card 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." M.P.E.P. § 503.

The Office of Patent Examination Processing will be informed of the instant decision and will process the application with a filing of date of April 11, 2008, using the application papers filed April 11, 2008, and the copy of the drawing sheet containing Figure 2 filed May 9, 2008.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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VYSIS, INC
PATENT DEPARTMENT
1300 E TOUHY AVENUE
DES PLAINES, IL 60018

COPY MAILED

DEC 0 9 2008

OFFICE OF PETITIONS

In re Application of Morrison et al. :
Application No. 12/082,709 : Decision on Petition
Filing Date: April 14, 2008 :
Attorney Docket No. 9386US01 :

This is a decision in response to the petition filed July 3, 2008, requesting, in effect, that the copy of page 2 of the specification filed on July 3, 2008, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed April 14, 2008.

The Office of Initial Patent Examination mailed a Notice to File Missing Parts on May 6, 2008. The Notice indicated page 2 of the specification did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges page 2 of the specification was filed with the original application.

The USPTO file for this application includes 30 pages of specification and does not contain all the 31 pages of specification, including page 2, petitioner alleges were filed with the application. However, petitioner has submitted a postcard receipt acknowledging receipt of 31 pages of specification on April 14, 2008.[1] Therefore, the Office is persuaded that page 2 of the specification was part of the originally filed application but was later misplaced by the Office.

The Notice mailed May 6, 2008, is vacated to the extent the Notice indicated the original application papers did not include page 2 of the specification.

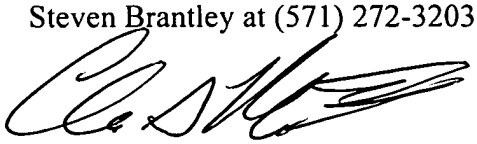
The petition fee of $400 has been credited back to petitioner's deposit account.

---

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card 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." M.P.E.P. § 503.

The Office of Patent Examination Processing will be informed of the instant decision and will process the application with a filing date of April 14, 2008, using the application papers filed April 14, 2008, and the copy of page 2 of the specification filed July 3, 2008.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Sillicon Valley Center
801 California Street
Mountain View, CA 94041

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JUL 15 2010

OFFICE OF PETITIONS

In re Application of Cheng :
Application No. 12/082,740 : Decision on Petition
Filing Date: April 14, 2008 :
Attorney Docket No. NEOD/0003 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 2010, to revive the above-identified application.

The petition is **granted**.

The Office mailed a non-final Office action on June 12, 2009, setting set a shortened statutory period for reply of three (3) months.

A Notice of Appeal and request for a three-month extension of time were filed Monday, December 14, 2009.

The Notice of Appeal was not a proper reply to the non-final Office action because the claims had not been twice rejected. As a result, the application became abandoned on December 15, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

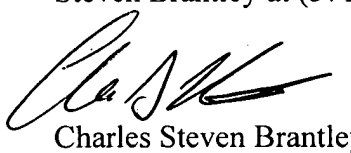
Petitioner has submitted a reply to the non-final Office action in the form of an amendment filed March 12, 2010, and a supplemental amendment filed March 16, 2010. Petitioner has submitted

the required petition fee of $810. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

Technology Center Art Unit 1648 will be informed of the instant decision and the application will be further examined in due course.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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APR 16 2009

OFFICE OF PETITIONS

In re Application of :
Ballard, et al. :
Application No. 12/082,742 : DECISION
Filing/ §371(c) Date: 14 April, 2008 :
Attorney Docket No. 39316-00US :

This is decision on the petitions filed on 27 March,2009, supplemented on 9 April, 2009, and again on 14 April, 2009, to expunge from the application certain materials under the provisions of 37 C.F.R. §1.59, with a request for waiver of regulatory provisions under 37 C.F.R. §1.183.

The petition under 37 C.F.R. §1.183 is **GRANTED**; and the petition to expunge under 37 C.F.R. §1.59 is **GRANTED to the extent set forth hereinbelow**.

Petitioner is reminded of the duty of Petitioner to retain the information as required for the period of any patent with regard to which such information is submitted—and if it is Petitioner's intention not to do so, Petitioner must inform the Office immediately.

The conditions for a petition pursuant to 37 C.F.R. §1.59 are set forth in the regulation, to wit:

> **§ 1.59 Expungement of information or copy of papers in application file.**
> (a)...
>
> (1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or §41.7(a) of this title.
> (2)Information forming part of the original disclosure (*i.e.*, written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§1.63 and 1.175) will not be expunged from the application file.

(b)An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in §1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

(c)Upon request by an applicant and payment of the fee specified in §1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (*see* §§1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

Guidance in this matter is set forth at MPEP §724.05, which provides in pertinent part:

724.05 Petition To Expunge Information or Copy of Papers in Application File [R-6]

***

II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 C.F.R. §1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 C.F.R. §1.56; and

(F) the petition fee as set forth in 37 C.F.R. §1.17(g) is included.

A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis. Applicants should note that unidentified information that is a trade secret, proprietary, or subject to a protective

order that is submitted in an Information Disclosure Statement may inadvertently be placed in an Office prior art search file by the examiner due to the lack of such identification and may not be retrievable.

***

IV. INFORMATION FORMING PART OF THE ORIGINAL DISCLOSURE

A petition to expunge a part of the original disclosure must be filed under 37 C.F.R. §1.183, since such a request requires a waiver of the requirements of 37 C.F.R. §1.59(a). Petitions under 37 C.F.R. §1.183 should be directed to the Office of Petitions. The petition must explain why justice requires waiver of the rules to permit the requested material to be expunged. It should be noted that petitions to expunge information which is a part of the original disclosure, such as the specification and drawings, will ordinarily not be favorably entertained. The original disclosures of applications are scanned for record keeping purposes. Accordingly, the grant of a petition to expunge information which is part of the original disclosure would require that the USPTO record of the originally filed application be changed, which may not be possible.

***

Thus, the petition herein must include:

(1) a petition under 37 C.F.R. §1.183, requesting waiver of the requirements of 37 C.F.R. §1.59(a);

(2) a showing demonstrating that justice requires waiver of the rules to permit the requested material to be expunged, and

(3) the required petition fee (37 C.F.R. §1.17(f)).

BACKGROUND

The record reflects that:

- Petitioner avers that that the specification as filed on 26 October, 2007, in the provisional application (Application No. 62/000,542) contained a signature page (typed number (at the top) page "4," and hand-number (at the bottom) page "5" of 20) that included in error personal financial information of the inventors—to wit: "social security numbers *** unintentionally submitted in a hasty filing" in the application, none of which has bearing or relevance to the patentability or scope of subject matter of the application. The information inadvertently submitted has not otherwise been publicly disclosed.

- It has come to the notice of the Office that in submitting the petition herein, Petitioner improvidently included therewith on 27 March, 2009, an unredacted copy of signature page discussed above.

Thus, Petitioner seeks to replace (the typed numbered (at the top)) page "4" (also and hand-number (at the bottom) page "5" of 20) filed on 27 March, 2009, and that included in error personal financial information of the inventors with redacted version filed contemporaneously with the petition on 9 April, 2009.

From the averment set forth in the petition, the indication is that the discussion at MPEP §724.05(II) is applicable here.

(The Office will not return documents from a/the physical file because it is Office policy not to remove paper from files that have been scanned. Even if a petition "to expunge" is granted as to one or more documents with regard to an application or patent, the image of the recorded document will remain in the records of the Office. However, the Office will close the images in the application or patent that was the subject of the petition so that no information about the recorded document will appear when someone searches for the application or patent number in the electronic file.)

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 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.

CONCLUSION

The petitions are **granted** to the extent that the Office will expunge (close) the inventor signature page (the typed numbered (at the top) page "4" (also hand-numbered (at the bottom) page "5" of 20) as filed improvidently on 27 March, 2009, that included in error personal financial information of the inventors—and replace that page with the redacted version filed contemporaneously with the petitions on 9 April, 2009.

Once again, Petitioner is reminded of the duty of Petitioner to retain the information as required for the period of any patent with regard to which such information is submitted—and if it is Petitioner's intention not to do so, Petitioner must inform the Office immediately.

The application file is being referred to the Office of Patent Application Processing for correction of the PTO archival record.

---

[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.

Petitioner will wish to consult the image file wrapper (IFW) and the Office of Patent Application Processing to ensure a result consistent with the instant decision.

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

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

---

[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.

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Ballard, et al. :
Application No. 12/082,742 : UPDATE/CLARIFICATION OF DECISION
Filing/ §371(c) Date: 14 April, 2008 :
Attorney Docket No. 39316-00US :

This is an update and clarification of the decision of 14 April, 2009, on the petitions filed on 27 March,2009, supplemented on 9 April, 2009, and again on 14 April, 2009, to expunge from the application certain materials under the provisions of 37 C.F.R. §1.59, with a request for waiver of regulatory provisions under 37 C.F.R. §1.183.

The petition under 37 C.F.R. §1.183 is **GRANTED**; and the petition to expunge under 37 C.F.R. §1.59 is **GRANTED to the extent set forth hereinbelow**.

Petitioner is reminded of the duty of Petitioner to retain the information as required for the period of any patent with regard to which such information is submitted—and if it is Petitioner's intention not to do so, Petitioner must inform the Office immediately.

The conditions for a petition pursuant to 37 C.F.R. §1.59 are set forth in the regulation, to wit:

> **§ 1.59 Expungement of information or copy of papers in application file.**
> (a)...
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> (1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or §41.7(a) of this title.
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(b)An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in §1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

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Guidance in this matter is set forth at MPEP §724.05, which provides in pertinent part:

724.05 Petition To Expunge Information or Copy of Papers in Application File [R-6]

***

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CONCLUSION

The petitions are **granted** to the extent that the Office will expunge (close) the inventor signature page (the typed numbered (at the top) page "4" (also hand-numbered (at the bottom) page "5" of 20) as filed improvidently on 27 March, 2009, that included in error personal financial information of the inventors—and replace that page with the redacted version filed contemporaneously with the petitions on 9 April, 2009.

Once again, Petitioner is reminded of the duty of Petitioner to retain the information as required for the period of any patent with regard to which such information is submitted—and if it is Petitioner's intention not to do so, Petitioner must inform the Office immediately.

The application file is being referred to the Office of Patent Application Processing for correction of the PTO archival record.

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

Petitioner will wish to consult the image file wrapper (IFW) and the Office of Patent Application Processing to ensure a result consistent with the instant decision.

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

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

---

[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.

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Junichiro Shinozaki :
Application No. 12/082,833 : ON PETITION
Filed: April 15, 2008 :
Attorney Docket No. 1013.1122 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 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 Corrected Application Papers mailed April 25, 2008, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 26, 2008. A Notice of Abandonment was mailed on December 31, 2008. On January 5, 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; (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 review of the drawings provided January 5, 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

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FEB 0 1 2010

In re Application of	:	
Todd Tingley	:	
Application No. 12/082,851	:	DECISION ON PETITION
Filed: April 14, 2008	:	TO WITHDRAW
Attorney Docket No. 08-20966	:	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 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. 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 Daniel M. Cislo, Esq. 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 Todd Tingley 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: **Todd Tingley**
1916 Ernest, Suite A
Redondo Beach, CA 90278

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/082,851	04/14/2008	Todd Tingley	08-20966

CONFIRMATION NO. 1470

POWER OF ATTORNEY NOTICE

25189
Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

OC00000003954079

Date Mailed: 02/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2009.

- 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.

/tsjohnson/

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

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18 DEC 2009

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Gazdzinski & Associates
11440 West Bernardo Court, Suite 375
San Diego, CA 92127

In re Application of :
MILOSAVLJEVIC et al. :
Application No.: 12/082,882 :
Filed: April 14, 2008 : DECISION ON PETITION
Attorney Docket No.: LKP.017A/OP101866 :
For: ADJUSTABLE ANTENNA AND METHODS :

This decision is issued in response to applicant's Petition under 37 CFR 1.78(a)(3) dated October 19,2009 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed 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) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the 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 2821 for appropriate action on the amendment filed October 19,2009, 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
Legal Examiner
Office of Petitions and PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FEB 26 2009

OFFICE OF PETITIONS

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON, TX 77054

In re Application of	:	
Patricia Ann Dicostanzo	:	
Application No. 12/082,895	:	ON PETITION
Filed: April 14, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition, filed February 3, 2009 under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) of May 1, 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. This application became abandoned on July 2, 2008.

Office record show the May 1, 2008 Notice was mailed with an incomplete address; therefore, the applicant did not receive the Notice to File Missing Parts of Nonprovisional Application. However, the applicant filed the requested oath, declaration and power of attorney on September 16, 2008.

Since the Notice to File Missing Parts was mailed with an incomplete address, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

The application is being referred to Technology Center AU 2854 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON, TX 77054

MAILED

MAY 18 2009

OFFICE OF PETITIONS

In re Application of :
Patricia Ann Dicostanzo :
Application No. 12/082,895 :
Filed: April 14, 2008 :
Attorney Docket No. :

ON PETITION

CORRECTED DECISION

This is a decision on the petition, filed February 3, 2009 under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) of May 1, 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. This application became abandoned on July 2, 2008.

Office record show the May 1, 2008 Notice was mailed with an incomplete address; therefore, the applicant did not receive the Notice to File Missing Parts of Nonprovisional Application. However, the applicant filed the requested oath, declaration and power of attorney on September 16, 2008.

Since the Notice to File Missing Parts was mailed with an incomplete address, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The decision mailed February 26, 2009 is hereby vacated as of the mail date of this decision.

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/
Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

COPY MAILED

JUN 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Lynn Handel	:	DECISION ON PETITION
Application No. 12/082,908	:	TO WITHDRAW
Filed: April 14, 2008	:	FROM RECORD
Attorney Docket No. 201371	:	

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 22, 2008

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

A review of the file record indicates that the power of attorney to practitioners associated with Drinker Biddle & Reath has been revoked by the applicant of the patent application on December 15, 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 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: LYNN HANDEL
34 CORBIN DR.
EXTON, PA 19341

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APR 2 9 2010

OFFICE OF PETITIONS

PRAVEEN SINGH
35117 11TH STREET
UNION CITY CA 94587

In re Application of
Praveen SINGH
Application No. 12/082,910
Filed: April 14, 2008

ON PETITION

This is in response to the communication, filed February 4, 2010, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On April 3, 2009, the Office mailed a Notice to the applicant regarding a non-compliant or non responsive amendment, which set a one month shortened statutory period to reply. The application became abandoned on May 4, 2009, for failure to submit a timely response to the Notice to the applicant regarding a non-compliant or non responsive amendment. On January 12, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment because a response was sent to the Office on May 11, 2009. However, the response was not filed timely given that the response was due on or before May 3, 2009. Consequently the application became abandoned on May 4, 2009 and the instant petition is hereby dismissed.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $750.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Notice to the applicant regarding a non-compliant or non responsive amendment dated April 3, 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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e 04/03/2009

PRAVEEN SINGH
35117 11TH STREET
UNION CITY, CA 94587

Paper No.

Application No.:	**12/082,910**	**Date Mailed:**	**04/03/2009**
First Named Inventor:	Singh, Praveen,	Examiner:	CHAN, KO HUNG
Attorney Docket No.:		Art Unit:	3632
Confirmation No.:	9740	Filing Date:	04/14/2008

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

Commissioner for Patents

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 12/082,910	Applicant(s) SINGH, PRAVEEN	
		Art Unit 1700	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on *28 January, 2009* is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other _____.

☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____.

☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☐ C. Other _____.

☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ E. Other: _____.

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.
   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /ROCHELLE C. GETER/ Telephone No: (571)272-1010

UNITED STATES PATENT AND TRADEMARK OFFICE

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COHEN, PONTANI,
LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Miyata :
Application No. 12/082,935 : DECISION
Filed/Deposited: 14 April, 2008 :
Attorney Docket No. 5354-47 :

This is a decision on the papers failing to state authority for their submission, but nonetheless considered as a petition pursuant to 37 C.F.R. §1.10, filed on 23 October, 2008, seeking for the above-identified application a filing date of 14 April, 2008, rather than the presently accorded filing date of 15 April, 2008.

NOTES:

Petitioner apparently submitted papers (considered herein as a petition pursuant to 37 C.F.R. §1.10), and thereafter failed to seek status on the matter for more than 18 months. Petitioners always are reminded that they may review the status of their applications online if the application has been associated with Petitioner's customer number.

Petitioner's presentation of the facts herein and the copies of documents submitted therewith (though not all as required (e.g., the transmittal with Express Mail Label number affixed), and those have been obtained from the record, have been considered.

Although Petitioner did not expressly state that the documents presented were "true copies," the Office has so construed Petitioner's statement and presentation, consistent with Petitioner's duty of candor to the Office.[1] If this understanding is incorrect, Petitioner **must** immediately so notify the Office.

[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.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The instant application was received by the Office and subsequently accorded a filing date of 15 April, 2008.

The record reflects that:

- the instant application (bearing Docket No. 5354-47), averred to have been transmitted the package bearing US Postal Service (USPS) Express Mail Label No. EM032598041US, appears to have been received by the Office on 16 April, 2008, and subsequently given a filing date of 15 April, 2008;

- with the instant petition, filed on 23 October, 2008, Petitioner provided, *inter alia*, a copy of the USPS Express Mail label bearing USPS Express Mail Label No. EM032598041US, with a hand-written "date in" of "4 [space] 14 [space] 8," and stamped date of "APR 14 2008," and Petitioner avers that is the correct date. (Petitioner is reminded that the USPS (online) Track & Confirm system may be an important resource in making such showings as may be required before the Office);

- Petitioner avers that an application number (to wit: Application No. 12/082,934) other than the proper application number (to wit: Application No. 12/082,935) was imprinted on Petitioner's date-stamped receipt card;

- further, it appears that the Office issued a filing receipt on 24 April, 2008, however, Petitioner did not reply with the instant petition until 23 October, 2008.

Petitioner appears to have filed the petition approximately six (6) months following the issuance of the filing receipt herein.

The record (including the petition filed on 23 October, 2008) does not necessitate a finding that the instant petition was filed "promptly after [Petitioner became] aware that the Office ha[d] accorded, or w[ould] accord, a filing date other than the USPS deposit date"—rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner Alfred Froebrich (Reg. No. 38,887) when accepting Petitioner's representation that the petition was filed promptly after Petitioner became aware that the Office had accorded, or would accord, a filing date other than the USPS deposit date.

(Petitioner avers that the receipt card provided by the Petitioner on deposit of the application bears an incorrect application number, i.e. 12/082,934, rather than the proper number 12/082,935, but does bear the correct filing date.)

The Express Mail label number appears to have been placed on the papers sought to be filed thereunder (but those papers were not provided with the petition, however, the Office has reviewed the papers deposited on filing and finds that the USPS Express Mail Label No. EM032598041US appears on the transmittal page of those papers), and appears on the USPS Express Mail label presented with the date-in data as described above. Again the Office notes that it has construed Petitioner's presentation to read that all of the copies submitted are "true copies" of papers submitted and of USPS materials—and Petitioner has made a showing consistent with at 37 C.F.R. §1.10. Thus, Petitioner has satisfied the requirements set forth at 37 C.F.R. §1.10.

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.[2]

The petition is **granted**, and the petition fee is waived and it appears that none was charged.

The instant file is released to the Office of Patent Application Processing (OPAP) to correct the filing date so as to accord to the instant application a filing date of 14 April, 2008, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 14 April, 2008.

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

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. 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

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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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OFFICE OF PETITIONS

In re Application of	:
Lerch et al.	: DECISION DISMISSING PETITION
Application Number: 12/082977	: UNDER 37 CFR 1.47(a)
Filing Date: 04/14/2008	:
Attorney Docket Number:	:
3703.1061-001	:

This is in response to the petition under 37 CFR 1.47(a) filed on October 8, 2008.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on April 14, 2008, without an executed declaration. Accordingly, on May 6, 2008, a Notice to File Missing Parts of Nonprovisional Application was mailed, stating that an executed declaration, the statutory basic filing fee, the application search and examination fees, and additional claim fees, and a surcharge for their late filing were required. In response, on October 8, 2008 (certificate of mailing dated October 6, 2008), a declaration naming John W. Lerch, Joshua M. Girvin, M. Christopher Wenneman, and Peijen Shawn Mou was filed, signed by all inventors except joint inventor Mou. The required filing fees were also submitted, as was a petition under 37 CFR 1.47(a). On November 5, 2008, a declaration signed by joint inventor Mou was filed, along with a four (4) month extension of time.

As a declaration signed by all inventors has been filed, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

The petition is **dismissed as moot**. The petition fee will be credited to counsel's deposit account.

This application will be referred to Technology Center Art Unit 3627 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

2 0 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Thomas J. Kowalski
Frommer Lawrence and Haug
745 Fifth Avenue, 10th Floor
New York NY 10151

In re Application of
SCHNATTERER et a.l.
Application No.: 12/083,062
Int. Application No.: PCT/EP06/03968
Int. Filing Date: 28 April 2006
Priority Date: 07 May 2005
Attorney Docket No.: 574313-3451
For: PESTICIDAL SUBSTITUTED PHENYLETHERS

DECISION ON PETITION

This decision is issued in response to applicant's "Petition under 37 CFR 1.137(a) or 37 CFR 1.137(b) to Revive an Unavoidably and Unintentionally Abandoned Application" filed in the United States Patent and Trademark Office on 03 April 2008.

BACKGROUND

On 28 April 2006, applicant filed international application PCT/EP06/03968 which claimed a priority date of 10 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 November 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 November 2007.

On 03 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, inter alia: Transmittal Letter to the United States Designated/Elected Office; a copy of the international application; preliminary amendment; and a "Petition under 37 CFR 1.137(a) or 37 CFR 1.137(b) to Revive an Unavoidably and Unintentionally Abandoned Application."

DECISION

International application PCT/EP06/03968 became abandoned as to the United States of America at midnight on 07 November 2007 for failure to pay the basic national fee.

A. Conflict In Filing 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). See 37 CFR 1.495(g):

> 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(a).

In addition, section 1893.03(a), page 1800-196 of the MPEP 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).

The Form PTO-1390 Transmittal Letter filed by applicant on 03 April 2008 identified the application as a national stage filing under 35 U.S.C. 371. However, applicant submitted an amended specification which states "this application is a continuation-in-part application of international patent application Serial no. PCT/EP06/03968 filed 28 April 2006 . . . " The reference in the amended specification is inconsistent with an intent to enter the national stage of the PCT under 35 U.S.C. 371. Therefore, the papers deposited on 03 April 2008 will be treated as a filing under 35 U.S.C. 111(a).

B. Petition under 37 CFR 1.137(a)

A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the requisite petition fee; (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 1.20(d)) required pursuant to 37 CFR 1.137(c).

With regards to item (3), petitioner has not provided an acceptable showing that the delay was unavoidable. Petitioner's statement has been reviewed, however, the explanation is insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition, however, do not reflect the "care or diligence that is generally used and observed by prudent and careful men in relation to their most important business." Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

A petition to revive an application under 37 CFR 1.137(a) cannot be granted where a petitioner has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987). Therefore, since applicant has not satisfied item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper.

C. Petition under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the filing of the continuing application.

As to Item (2), the appropriate petition fee of $1540.00 has been submitted.

As to item (3), the statement "[t]he entire delay from the due date for filing a national phase application until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

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

CONCLUSION

For the reasons discussed above, applicant's petition to revive international application PCT/EP06/03968 is GRANTED.

International application no. PCT/EP06/03968 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the continuing application number 12/083,062.

The application will then be forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

13 JUN 2008

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Thomas J Kowalski
Frommer Lawrence & Haug
745 Fifth Avenue, 10th Floor
New York, NY 10151

In re Application of	DECISION ON PETITION
SCHNATTERER et al.	
Application No.: 12/083,063	UNDER 37 CFR 1.137(a) or 1.137(b)
PCT No.: PCT/EP06/03771	
Int. Filing Date: 25 April 2006	
Priority Date: 07 May 2005	
Attorney Docket No.: 574313-3459	
For: PROCESS FOR THE PREPARATION OF 5-ALKYLTHIOALKYAMINO-1-PHENYL-PYRAZOLES	

This is a decision on applicant's petition under 37 CFR §§1.137(a) or 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 03 April 2008.

BACKGROUND

On 25 April 2008, applicant filed international application No. PCT/EP06/03771 which claimed a priority date of 07 May 2005, and which designated the United States. The deadline for entry into the national stage in the U.S. expired 30 months from the priority date, 07 November 2007.

On 03 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: the basic national fee. Applicant also filed the present petition requesting that the application be revived under 37 CFR 1.137(a) or (b). Applicant filed an amended specification and requests that the international application be revived for purposes of continuity.

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable; and (4) a terminal disclaimer pursuant to 37 CFR 1.137(c).

Regarding Item (1), the proper response was payment of the basic national fee. The fee of $310 is sufficient for entry into the national stage. The petition fee of $510 was charged to applicant's deposit account per his authorization, satisfying Item (2). As for Item (4), the terminal disclaimer is not required in this application since it was filed after 08 June 1995.

Concerning item (3), counsel provides the statements of Tiki Cantrell, paralegal at Merial Limited, assignee of the above referenced application and Counsel of record, Thomas Kowalski. In effect, Ms. Cantrell states that she confirms the facts in the accompanying declaration of Mr.

on unintentional delay would not be proper at this time. The petition for revival under 37 CFR 1.137(b) is **DISMISSED WITHOUT PREJUDICE.**

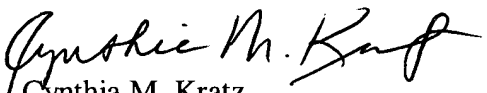
CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED without prejudice**. The petition under 37 CFR 1.137(b) is **DISMISSED without prejudice.**

The application remains **ABANDONED**.

Any request for reconsideration on the merits of this decision must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b). No additional petition fee is required.

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



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Kowalski without further detailed, factual explanation. A copy of the 01 November 2007 Merial E-mail referenced in both declarations was not attached and is required.

Mr. Kowalski's indicates that Merial typically files its US applications. (¶2). In paragraph 3, Mr. Kowalski states that "[w]hen Merial instructs associates to file national or regional phase applications of international ("PCT) patent applications, a general email is sent to associates with which Merial works in which national or regional phase application are to be filed. ." According to Mr. Kowalski, "[o]n November 1, 2007, Merial sent a general email to associates with which it works regarding the national and regional phase filing of PCT application No. PCT/EP2006/003771. FLH was listed as the U.S. associate in this email; but, the email did not explicitly state the FLH was to assume responsibility for filing the US application from the PCT application PCT/EP2006/003771." (¶ 4) Mr. Kowalski does not explain the failure of this communication in filing the national stage application for the PCT at issue. It does not appear that any further instructions or clarifications were sought. Or that Merial confirmed its request to file the national stage application in the U.S. The evidence provided is not sufficient to conclude that the abandonment of the international application was unavoidable.

A showing of unavoidable delay will require: (1) evidence concerning the procedures in place that should have avoided the error resulting in the delay; (2) evidence concerning the training and experience of the persons responsible for the error; and (3) copies of any applicable docketing records to show that the error was in fact the cause of the delay. Neither Mr. Cantrell's or Mr. Kowalski's statement supports a finding that abandonment of the international application was unavoidable. The burden of proof to establish that the delay from the due date for the reply until the filing of a grantable petition was unavoidable rests on the applicant. MPEP §711.03(c). Thus, the petition to revive under 37 CFR 1.137(a) for unavoidable delay is **DISMISSED WITHOUT PREJUDICE.**

In the alternative, applicant requests revival of the application via petition under 37 CFR 1.137(b). Petitions under 37 CFR 1.137(b) are less burdensome (statements rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent "unintentional delay" standard.

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law, 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 37 CFR 1.137(b) was unintentional", and (4) by a terminal disclaimer and fee in all applications filed before 08 June 1995 pursuant to 37 CFR 1.137(c).

Items (1) and (2) above are satisfied. Item (4) is not applicable.

However, Item (3) is not satisfied. The statements of Ms. Cantrell and Mr. Kowalski raise questions regarding the unintentional abandonment of the application. Further explanation is needed regarding the abandonment of the application including a copy of the email and any further communications regarding the filing of the national stage application. The Office may require an applicant to carry the burden of proof to establish that the delay from the due date for the reply until the filing of a grantable petition was unintentional within the meaning of 35 U.S.C. 41(a)(7) and 37 CFR 1.137(b) where there is a question whether the entire delay was unintentional. See *Application of G*, 11 USPQ2d at 1380. Accordingly, it is appropriate for the Office to require further information as to how the delay in discovering the abandoned status occurred *despite the exercise of due care and diligence on the part of applicant and applicant's representatives.* Petitioner should explained how the delay occurred despite the exercise of due care and diligence on the part of applicant and his chosen representative. The USPTO cannot conclude that the entire delay in filing a national stage application until the date of filing this petition was unintentional. Accordingly, the granting of the petition under 37 CFR 1.137(b) for revival based

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15 SEP 2008

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In re Application of
SCHNATTERER et al.
Serial No.: 12/083,063 (12/080,578)
PCT No.: PCT/EP06/03771
Int. Filing Date: 25 April 2006
Priority Date: 07 May 2005
Attorney's Docket No.: 574313-3459
For: PROCESS FOR THE PREPARATION OF 5-ALKYLTHIOALKYLAMINO-I-PHENYL-PYRAZOLES

: DECISION ON PETITION

: UNDER 37 CFR 1.137(a) or (b)

The renewed petition to revive under 37 CFR 1.137(a) and (b) filed in the United States Patent and Trademark Office on 28 August 2008 in the above-captioned application.

BACKGROUND

On 25 April 2006, applicant filed international application PCT/EP06/03771 which claimed a priority date of 07 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying a basic national fee in the United States expired at midnight on 07 November 2007.

On 03 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, *inter alia*: the basic national fee and a petition to revive the abandoned international application under 37 CFR 1.137(a) or (b). The application were assigned U.S. serial number 12/083,063.

On 13 June 2008, a decision dismissing the petition was mailed to applicant. On 28 August 2008, applicant filed a copy of a renewed petition, alleged to have been originally filed on 11 July 2008 in 12/080,578.

DISCUSSION

International application PCT/EP06/03771 became abandoned as to the United States of America at midnight on 07 November 2007 for failure to pay the basic national fee.

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). 37 CFR 1.495(g) specifically states:

> 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(a).

In addition, MPEP section 1893.03(a) states:

> [I]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Form PTO-1390 Transmittal Letter filed by applicant on 03 April 2008 identified the application as a national stage filing under 35 U.S.C. 371. However, applicant submitted an amended specification which states "This application is a continuation-in-part of international patent application Serial No. PCT/EP2006/03771 filed 25 April 2006, which published as PCT Publication No. WO 2006/119862 on 16 November 2006, which claims benefit of European patent application Serial No. 05009998.5 filed 7 May 2005." The reference in the amended specification is inconsistent with an intent to enter the national stage of the PCT under 35 U.S.C. 371. Therefore, the papers deposited on 03 April 2008 will be treated as a filing under 35 U.S.C. 111(a).

Petition under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(i); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

Items (1) and (2) were previously satisfied. As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Concerning item (3), Petitioner has not provided an acceptable showing that the delay was unavoidable. Petitioner's statement and explanation are insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition do not reflect the "care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." *Ex Parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887).

A petition to revive under 37 CFR 1.137(a) cannot be granted where a petition has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. *Haines v.Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2nd 1130, 1131-32 (N.D. Ind. 1987). Therefore, since applicant has not satisfied Item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper. The petition to revive under 37 CFR 1.137(a) for unavoidable delay is dismissed without prejudice.

Petition under 37 CFR 1.137(b)

In the alternative, applicant requested revival of the application via petition under 37 CFR 1.137(b).

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the date on which the application became abandoned. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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 pursuant to 37 CFR 1.137(d).

With regard to Item (1), the proper response was the filing of the continuing application. As to Item (2), the appropriate petition fee of $1540 has been paid. With respect to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

With regard to Item (3), Petitioner has provided the statements of attorney Thomas J. Kowalski and paralegal Tiki Cantrell and the email communications of the assignee which support a finding that the delay was unintentional. Petitioner's statement that the "entire delay to timely enter the National Phase in the United States was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that with the filing of the present petition and accompanying papers, a proper response has been submitted and all the requirements of 37 CFR 1.137(b) have been satisfied. The petition to revive under 37 CFR 1.137(b) is granted.

International application PCT/EP06/03771 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing applications 12/083,063 and 12/580,578.

The specification and claims filed on 03 April 2008 complete the requirements for a filing date under 35 U.S.C. 111(a). Accordingly, these applications will be accorded a filing date of 03 April 2008.

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. 12/083,063) and the international application (PCT/EP06/03771) designating the United States were copending on 03 April 2008.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED without prejudice**. The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to Office of Initial Patent Examination for further processing as an application filed under 35 U.S.C. 111(a), having a filing date of 03 April 2008. The application will then be examined in due course.

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SAN CARLOS CA 94070

In re Application of	:	
CHEU et al.	:	
Application No.: 12/083,079	:	DECISION
PCT No.: PCT/US2006/037422	:	
Int. Filing Date: 26 September 2006	:	
Priority Date: 29 September 2005	:	
Attorney Docket No.: 0279.00	:	
For: RECEPTACLES AND KITS, SUCH AS FOR DRY POWDER PACKAGING	:	

This decision is in response to applicants' submission filed 01 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 September 2006, applicants filed international application PCT/US2006/037422 which designated the U.S. and claimed a priority date of 29 September 2005. 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 at midnight on 31 March 2008 (29 March 2008 being a Saturday).

On 01 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

As to item (1), applicant submitted the basic national fee on 01 April 2008.

As to item (2), applicant submitted the petition fee on 01 April 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.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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OFFICE OF PETITIONS

Applicant: Jonathan Barclay Dixon, et al.
Appl. No.: 12/083,158
International Filing Date: October 5, 2006
Title: LAMINATED GLAZING
Attorney Docket No.: 1021500-000155
Pub. No.: US 2009/0169877 A1
Pub. Date: July 2, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 28, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the publication wherein the correct set of claims was not printed.

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

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). [2] The "failure to include an amendment is not an Office error," See MPEP 1130(B). The publication accurately reflected the specification as filed.

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

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the publication may be based upon amendments to the specification that are reflected in a substitute specification, provided that such substitute specification is submitted before technical preparations for publication have begun, generally four months before the projected date of publication. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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/patents/process/file/efs/guidance/index.jsp

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

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

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

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

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

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In re Application of:	:	
GIRARDIN, Jean-Marc, et al.	:	
U.S. Application No.: 12/083,160	:	DECISION ON PETITION
PCT Application No.: PCT/US2005/046709	:	(37 CFR 1.182)
International Filing Date: 23 December 2005	:	
Priority Date: 30 December 2004	:	
Atty Docket No.: QSTR-102-CIP-PCT2-US	:	
For: WHEEL CHAIR DOCKING SYSTEM	:	

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182 To Convert An Erroneously Identified Patent Application To A National Stage Patent Application" filed 31 March 2008. The $400 petition fee has been submitted.

BACKGROUND

On 23 December 2005, applicants filed international application PCT/US2005/046709. The international application claimed a priority date of 30 December 2004. The deadline for payment of the basic national fee in the United States was thirty months from the priority date, i.e., 30 June 2007.

On 19 June 2007, applicants submitted an application via the Electronic Filing System-Web (EFS-Web) portal. The materials filed 04 April 2007 included a "Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission" (Form PTO-1390) that identified the application as a U.S. national stage of PCT/US2005/046709, filed 23 December 2005. However, during the electronic filing process, applicants identified the application as an "International Application for filing in the U.S. receiving office." Thus, applicant's 19 June 2007 filing included conflicting instructions that identified the submission as both a U.S. national stage of PCT/US2005/046709 and an "International Application for filing in the U.S. receiving office."

Based on USPTO processing procedures and the information provided by applicants during the electronic filing process, the application file was initiated in the USPTO PALM system as an international application and assigned international application number PCT/US2007/071544.

On 31 March 2008, applicant filed the "Petition Under 37 CFR 1.182 To Convert An Erroneously Identified Patent Application To A National Stage Patent Application" considered herein. The petition requests that the application be treated as a national stage application filed under 35 U.S.C. 371.

DISCUSSION

As noted above, the data provided by applicants incorrectly identified the "type of new application" as an "International Application for filing in the US receiving office." Correction of this error is required before the materials filed 19 June 2007 can be treated as having been the U.S. national stage of international application PCT/US2005/046709, as would be necessary to avoid abandonment of the international application with respect to the United States.

In the present petition, applicants confirm that the listing of the present application as an "International Application for filing in the US receiving office" was the result of an error, and that it was applicant's intent to file a U.S. National Stage Application under 35 U.S.C. 371. As noted above, applicants' 19 June 2007 submission included a Transmittal Letter (Form PTO-1390) identifying the application as a U.S. national stage of PCT/US2005/046709. With the payment of the petition fee required to correct the above error and the statement of clarification, the materials submitted satisfy the requirements for a grantable petition to correct applicants' error. Accordingly, the materials filed by applicants on 19 June 2007 will be treated as a request for entry into the U.S. national stage for PCT/US2005/046709.

It is noted that applicant's 19 June 2007 submission included a fee payment of $3,083, identified during the electronic filing process as international fees ($300 as the transmittal fee, $1,000 as the search fee, $600 as the preliminary examination fee, $1,008 as the international filing fee, $150 as the handling fee, and $20 as an additional copy fee). In light of the decision herein to treat the present application as a U.S. national stage application, the applicable portion of applicants' 19 June 2007 fee payment will be applied to the required national stage fees: $150 as the small entity basic national fee, $100 as the small entity examination fee, $50 as the small entity search fee, and $65 as the surcharge for filing the oath or declaration later than thirty months after the priority date.[1] The remaining amount of the international fees paid by applicants herein will be refunded to Deposit Account No. 02-0400.

CONCLUSION

The "Petition Under 37 CFR 1.182 To Convert An Erroneously Identified Patent Application To A National Stage Patent Application" is **GRANTED**.

The materials filed herein (including the basic national fee) have now been assigned U.S. application number **12/083,160**. These materials will be treated as a request for entry into the

[1] It is noted that applicants filed a declaration under PCT Rule 4.17(iv) during the international phase. However, such declaration was filed after the international filing date, and it did not indicate thereon the international application number, as required in such circumstances. Accordingly, such declaration is not acceptable in the U.S. national stage and applicants are required to submit a new oath or declaration in compliance with 37 CFR 1.497.

U.S. national stage for PCT/US2005/046709 as of the 19 June 2007 filing date of such materials (it is noted that this date is prior to the expiration of thirty months from the priority date).

International application number PCT/US2007/71544 will be discontinued.

All future correspondence herein should be directed to U.S. application number **12/083,160**.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

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10 APR 2008

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In re Application of :
HASSELSTROM et al. :
U.S. Application No. 12/083,161 :
PCT No.: PCT/DK06/00489 :
Int. Filing Date: 05 September 2006 : DECISION ON PETITION
Priority Date: 05.September 2005 : (37 CFR 1.182)
Attorney Docket No.: DE1793 :
For: DISPENSER WITH A BAG INSIDE AND METHOD FOR MANUFACTURING OF THE SAME :

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 07 March 2008 to change the filing status of the above-identified application. The $400 petition fee has been submitted.

BACKGROUND

On 05 September 2006, applicant filed international application PCT/DK06/00489, which claimed a priority date of 05 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, 05 March 2008.

On 05 March 2008, applicant attempted to file an application identified as a U.S. national stage application via the Electronic Filing System-Web (EFS-Web) portal. The submission was assigned International application number PCT/US08/55912.

The materials filed 05 March 2008 included a *Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission (Form PTO-1390)* that identified the application as a U.S. national stage of PCT/DK06/00489, filed 05 September 2006. However, the data ('radio button') entered by applicant as part of the electronic filing identified the application as an "International Application for filing in the US receiving office." Thus, applicant's 05 March 2008 filing included conflicting instructions that identified the submission as both a U.S. national stage of PCT/DK06/00489 and an

"International Application for filing in the US receiving office."

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as an international application based on the information provided by applicant.

On 07 March 2008, applicant filed "Petition Under 37 CFR 1.182."

DISCUSSION

As noted above, the data provided by applicant incorrectly identified the "type of new application" as an "International Application for filing in the US receiving office" to which the submission was directed. Correction of this error is required before the materials filed 05 March 2008 can be treated as having been directed to the U.S. national stage of international application PCT/DK06/00489, as would be necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 07 March 2008, applicant confirms that the listing of the present application as an "International Application for filing in the US receiving office" was the result of an (typographical) error, and that it was applicant's intent to file a U.S. National Stage Application under 35 U.S.C. 371. It is noted that applicant's 05 March 2008 submission included a Transmittal Letter to the United States Designated Office (DO/EO/US) identifying the application as a U.S. national stage of PCT/DK06/00489. With the payment of the petition fee required to correct the above error and the statement of clarification, the materials satisfy the requirements for a grantable petition to correct applicant's error and such materials will be treated as having been directed to the U.S. national stage of international application PCT/DK06/00489.

The materials filed 05 March 2008 have been assigned U.S. application number 12/083,161, and will be treated as the national stage of PCT/DK06/00489. Application number PCT/US08/55912 will be discontinued.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to treat the above-identified application as an application under 35 U.S.C. 371 is **GRANTED**.

The present application file will be corrected to identify the application as the U.S. national stage of international application PCT/DK06/00489.

The materials filed 05 March 2008 have been assigned U.S. application number 12/083,161, and will be treated as the national stage of PCT/DK06/00489. Application number PCT/US08/51092 will be discontinued.

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

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

1 1 APR 2008

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FASKEN MARTINEAU DUMOULIN LLP
2100 - 1075 WEST GEORGIA STREET
VANCOUVER V6E 3G2 CA CANADA

In re Application of:
CUNNINGHAM, William, Frederick, et al.
U.S. Application No.: 12/083,162
PCT Application No.: PCT/CA2005/001526
International Filing Date: 04 October 2005
Priority Date: 05 October 2004
Attorney's Docket No.: 265881.00002
For: IMPROVED PYROLYSIS SYSTEM FOR WASTE RUBBER

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 01 April 2008. The $400 petition fee has been submitted.

BACKGROUND

On 04 October 2005, applicant filed international application PCT/CA2005/001526. The international application claimed a priority date of 05 October 2004. On 13 April 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the basic national fee in the United States was thirty months from the priority date, i.e., 05 April 2007.

On 04 April 2007, applicants submitted an application via the Electronic Filing System-Web (EFS-Web) portal. The materials filed 04 April 2007 included a "Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission" (Form PTO-1390) that identified the application as a U.S. national stage of PCT/CA2005/001526, filed 04 October 2005. However, during the electronic filing process, applicants identified the application as an "International Application for filing in the U.S. receiving office." Thus, applicant's 04 April 2007 filing included conflicting instructions that identified the submission as both a U.S. national stage of PCT/CA2005/001526 and an "International Application for filing in the U.S. receiving office."

Based on USPTO processing procedures and the information provided by applicants during the electronic filing process, the application file was initiated in the USPTO PALM system as an international application and assigned international application number PCT/US2007/065944.

On 01 April 2008, applicants filed the "Petition Under 37 CFR 1.182" considered herein. The petition requests that the application be treated as a national stage application filed under 35 U.S.C. 371.

DISCUSSION

As noted above, the data provided by applicants incorrectly identified the "type of new application" as an "International Application for filing in the US receiving office." Correction of this error is required before the materials filed 04 April 2007 can be treated as having been the U.S. national stage of international application PCT/CA2005/001526, as would be necessary to avoid abandonment of the international application with respect to the United States.

In the present petition, applicants confirm that the listing of the present application as an "International Application for filing in the US receiving office" was the result of an inadvertent error, and that it was applicants' intent to file a U.S. National Stage Application under 35 U.S.C. 371. As noted above, applicants' 04 April 2007 submission included a Transmittal Letter (Form PTO-1390) identifying the application as a U.S. national stage of PCT/CA2005/001526. With the payment of the petition fee required to correct the above error and the statement of clarification, the materials submitted satisfy the requirements for a grantable petition to correct applicants' error. Accordingly, the materials filed by applicants on 04 April 2007 will be treated as a request for entry into the U.S. national stage for PCT/CA2005/001526.

It is noted that applicants' 04 April 2007 submission included a fee payment of $1,050, identified during the electronic filing process as international fees ($300 as the Transmittal Fee and $750 as the Preliminary Examination Fee). However, the Form PTO-1390 included in the 04 April 2007 itemized the required national stage fees. Based on the decision to treat the present application as a U.S. national stage application, the $1,050 fee payment will be treated as a payment of required national stage fees itemized on the Form PTO-1390, including the $300 basic national fee required to avoid abandonment.

CONCLUSION

The petition under 37 CFR 1.182 to treat the above-identified application as A U.S. national stage application filed under 35 U.S.C. 371 is **GRANTED**.

The materials filed herein (including the basic national fee) have now been assigned U.S. application number **12/083,162**. These materials will be treated as a request for entry into the U.S. national stage for PCT/CA2005/001526 as of the 04 April 2007 filing date of such materials (it is noted that this date is prior to the expiration of thirty months from the priority date).

International application number PCT/US2007/65944 will be discontinued.

All future correspondence herein should be directed to U.S. application number **12/083,162**.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

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30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111

In re Application of
CRUZ, Antonio
U.S. Application No.: 12/083,175
PCT No.: PCT/CA2006/001644
Int. Filing Date: 06 October 2006
Priority Date: 07 October 2005
Attorney Docket No.: 24492-524N01US
For: COMBINED USE OD DPP-IV INHIBITORS AND GASTRIN COMPOUNDS

DECISION

This is a decision on the "Petition under 37 C.F.R. § 1.181(a) to Withdraw Notification of Defective Response" filed on 23 November 2009.

BACKGROUND

On 05 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), a surcharge fee and a sequence listing was required. A two-month time period for response was set with extensions under 37 CFR 1.136(a).

On 05 August 2009, applicant filed a response which included a declaration, a surcharge fee and a sequence listing.

On 20 August 2009, the Patent Electronic Business Center accepted the sequence listing.

On 13 October 2009, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) stating that the response filed 05 August 2009 was received but that a sequence listing was still required. Applicant was given one month to respond, or any time remaining in the Form PCT/DO/EO/905.

On 23 November 2009, applicant submitted the instant petition to vacate the Form PCT/DO/EO/916 mailed 13 October 2009.

DISCUSSION

A review of the subject application verifies that a sequence listing was provided

in the response mailed 05 August 2009. The sequence listing was accepted by the Patent Electronic Business Center on 20 August 2009.

No further information is required.

DECISION

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

The Form PCT/DO/EO/916 mailed 13 October 2009 is **VACATED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 October 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 05 August 2009.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States Patent and Trademark Office

13 JUN 2008

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Robert W Pitts
P O Box 11483
Winston-Salem NC 27116-1483

In re Application of	:	
Higgins	:	
Application No.: 12/083,206	:	
PCT No.: PCT/US2006/010782	:	
Int. Filing Date: 24 March 2006	:	DECISION
Priority Date: 24 March 2005	:	
Attorney Docket No.: 08018	:	
For: Gear Bearing	:	

The petition to revive under 37 CFR 1.137(b) filed on 07 April 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 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
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Suite 400 East
Washington DC 20005-1503

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OFFICE OF PETITIONS

In re Application of :
AINTZANE AZPIROZ ZABALETA ET AL. :
Application No. 12/083,217 :
Filed: July 14, 2008 :
Attorney Docket No. **2008_0612A** :

NOTICE

This is a notice regarding your request filed April 30, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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17 APR 2008

KENYON & KENYON LLP
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SUITE 700
WASHINGTON DC 20005

In re Application of: OGISO, Makoto
U.S. Application No.: 12/083,244
PCT No.: PCT/JP2006/305186
International Filing Date: 09 March 2006
Priority Date: 09 March 2005
Atty Docket No.: 14317/7
For: EXHAUST GAS PURIFYING APPARATUS FOR INTERNAL COMBUSTION ENGINE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 08 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/JP2006/305186 became abandoned with respect to the U.S. at midnight on 09 September 2007 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

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

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

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10 JUL 2009

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:	
LAENEN et al.	:	
Application No.: 12/083,249	:	DECISION
PCT No.: PCT/EP2006/067178	:	
Int. Filing Date: 09 October 2006	:	
Priority Date: 10 October 2005	:	
Attorney Docket No.: 2005P18161WOUS	:	
For: GLIDE-ANGLE LIGHT FOR APPROACH GUIDANCE OF AIRCRAFT	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 24 April 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 09 October 2006, applicants filed international application PCT/EP2006/067178, which designated the United States and claimed a priority date of 10 October 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 April 2008.

On 08 April 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 April 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was

accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of facts by Anika Reichenbacher, a copy of a letter from Ms Reichenbacher to non-signing inventor Guy Laenen, a declaration of facts by Kurt Mahrt, and a copy of a return receipt for registered mail.

DISCUSSION

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

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

Item (2) has not been met. It is not clear whether it is being alleged that Guy Laenen refuses to execute the application or that he cannot be reached after diligent effort. The two are distinct. *See, e.g.,* MPEP 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join." It is not clear that the package sent to Mr. Laenen's last known address was received by him. A translation of the return receipt has not been provided. Additionally, it is not clear who signed the return receipt. Nor is the date of the return receipt clear.

If it is being alleged that Mr. Laenen refuses to sign, it must be established that he was presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d).

If it is being alleged that Mr. Laenen cannot be reached or found, MPEP § 409.03(d), item I, states in part:

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

Such evidence would need to be provided if it is being alleged that Mr. Laenen cannot be reached.

CONCLUSION

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

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

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

/Daniel Stemmer/

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2 8 SEP 2009

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SIEMENS CORPORATION
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ISELIN NJ 08830

In re Application of	:	
LAENEN et al.	:	
Application No.: 12/083,249	:	DECISION
PCT No.: PCT/EP2006/067178	:	
Int. Filing Date: 09 October 2006	:	
Priority Date: 10 October 2005	:	
Attorney Docket No.: 2005P18161WOUS	:	
For: GLIDE-ANGLE LIGHT FOR APPROACH GUIDANCE OF AIRCRAFT	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 11 August 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 09 October 2006, applicants filed international application PCT/EP2006/067178, which designated the United States and claimed a priority date of 10 October 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 April 2008.

On 08 April 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 April 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of inventors, a declaration of facts by Anika Reichenbacher, a copy of a letter from Ms Reichenbacher to non-signing inventor Guy Laenen, a declaration of facts by Kurt Mahrt, and a copy of a return receipt for registered mail.

On 10 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort was not provided.

On 11 August 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a second declaration of facts by Kurt Marhrt.

DISCUSSION

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

As noted in the decision mailed 10 July 2009, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that Mr. Laenen was presented with a copy of the application papers. Mr. Laenen's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **24 April 2009**.

/Daniel Stemmer/

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2 8 SEP 2009

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Mr. Guy Laenen
Koning Leopoldlaan 105
2260 Westerlo
Belgium

In re Application of
LAENEN et al.
Application No.: 12/083,249
PCT No.: PCT/EP2006/067178
Int. Filing Date: 09 October 2006
Priority Date: 10 October 2005
Attorney Docket No.: 2005P18161WOUS
For: GLIDE-ANGLE LIGHT FOR APPROACH GUIDANCE OF AIRCRAFT

Dear Mr. Laenen:

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

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

/Daniel Stemmer/

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Siemens Corporation
Intellectual Property Department
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In re Application of	:	DECISION ON
LAENEN et al	:	
Application No: 12/083,251	:	
PCT No.: PCT/EP2006/067177	:	
Int. Filing Date: 09 October 2006	:	PETITION UNDER
Priority Date: 10 October 2005	:	
Attorney's Docket No.: 2005P17546WOUS	:	
For: FLUSH-MOUNTED FLASHING LIGHT	:	37 CFR 1.47(a)

This is in response to the "PETITION FOR PROSECUTION ... INVENTORS UNDER 37 CFR 1.47(a)" filed on 24 April 2009.

BACKGROUND

On 09 October 2006, applicants filed international application PCT/EP06/067177, which claimed priority of an earlier application filed 10 October 2005.

On 08 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 11 March 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating, *inter alia*, that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date ... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

DISCUSSION

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

Petitioner has satisfied items (1) and (4) of 37 CFR 1.47(a) but not items (2) and (3).

Regarding item (1), petitioner has provided the proper fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), the averments of Mr. Mahrt are not sufficient to support a finding that the nonsigning inventor, Guy. Laenen refuses to sign because it is unclear if a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the actual nonsigning inventor for signature, and that the he refused to sign the papers. It unclear from Mr. Mahrt statement if actually spoke with the Laenen, who work for ADB because Mr. Mahrt states that he spoke to an individual identifying himself as "Mr. Laenen" but denying that he ever worked for ADB and made any invention. As such, Mr. Mahrt then states that, "we are unsure if we are not reaching the correct Mr. Laenen or if he is refusing to sign."

Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, Mr. Guy Laenen, item (2) cannot be considered satisfied.

In addition, it is unclear that this is Guy Laenen, the nonsigning inventor, and not just another person with the surname Laenen. If not, then petitioner is under an obligation to try to find or reach Mr. Laenen. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

However, if petitioner believes he did indeed speak with Guy Laenen, then petitioner will need to verify this so that Mr. Laenen's action could be construe as refusing to sign the required papers.

Regarding item (3), it unclear if petitioner has provided a statement of the last known address of the missing inventor because petitioner has not affirmatively determine that he spoke with the nonsigning inventor Guy Laenen.

Regarding item (4), petitioner has provided an executed declaration signed by Michel Vaneren, Jean-Claude Vanevoorde and Louis Willems on there behalf and on the behalf of the nonsigning joint inventor Guy Laenen.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

28 OCT 2009

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

In re Application of	:	DECISION ON RENEWED
LAENEN et al	:	
Application No: 12/083,251	:	
PCT No.: PCT/EP2006/067177	:	
Int. Filing Date: 09 October 2006	:	PETITION UNDER
Priority Date: 10 October 2005	:	
Attorney's Docket No.: 2005P17546WOUS	:	
For: FLUSH-MOUNTED FLASHING LIGHT	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 11 August 2009.

BACKGROUND

In a decision from this Office on 01 July 2009, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2) and (3) had not been satisfied.

On 11 August 2009, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 01 July 2009 with respect to accepting the above application without the signature of co-inventor Guy Laenen.

DISCUSSION

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

The renewed petition of 11 August 2009 has satisfied items (2) and (3) under 37 CFR 1.47(a).

Regarding item (2), a statement by Kurt Mahrt, who has first-hand knowledge of the facts of the previous petition, has provided another statement outlining the steps he took to mail the application papers to the last known address of the non-signing inventor Guy Laenen and received by him on August 21, 2008.

Regarding item (3), petitioner has provided the last known address of the nonsigning co-inventor,

Guy Laenen
Koning Leopoldlaan 105, 2260
Waterloo Belgium.

Consequently, at this time it can be concluded that Mr. Laenen has refused to sign the documents.

Petitioner has now satisfied items (2) and (3) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **24 April 2009.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

UNITED STATES PATENT and TRADEMARK OFFICE

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

28 OCT 2009

Guy Laenen
Koning Leopoldlaan 105
2260 Westerloo Belgium

In re Application of
LAENEN et al
Application No: 12/083,251
PCT No.: PCT/EP2006/067177
Int. Filing Date: 09 October 2006
Priority Date: 10 October 2005
Attorney's Docket No.: 2005P17546WOUS
For: FLUSH-MOUNTED FLASHING LIGHT

Dear Laenen:

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

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

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

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

UNITED STATES PATENT AND TRADEMARK OFFICE

0 8 MAR 2010

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

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

In re Application of :
NEWALD et al. :
Application No.: 12/083,272 :
PCT No.: PCT/EP2006/067085 :
Int. Filing Date: 05 October 2006 : DECISION ON PETITION
Priority Date: 06 October 2005 : UNDER 37 CFR 1.181
Attorney Docket No.: 10191/5278 :
For: USER INTERFACE BETWEEN A MICROCONTROLLER AND A FLEXRAY COMMUNICATIONS MODULE; FLEXRAY USER; AND METHOD FOR TRANSMITTING MESSAGES VIA SUCH AN INTERFACE :

This decision is issued in response to the "Response To Notification of Defective Response to Missing Requirements under 35 U.S.C. 371" filed 02 October 2009, which is treated herein as a petition under 37 CFR 1.181 to confirm the submission of a declaration in compliance with 37 CFR 1.497. No petition fee is required.

In response to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 18 February 2009, applicants submitted a declaration executed by the joint-inventors (Josef Newald and Markus Ihle). The submission included a statement from counsel that the name of the first inventor should be listed as JOSEPH Newald, instead of JOSEF Newald. (The declaration and statement were submitted on 26 March 2009.)

On 15 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because of the inconsistent information provided by counsel and the inventor. In response to the Notification of Defective Response, counsel states,

> "A correction was requested in Applicant's 'Response to Missing Requirement under 35 U.S.C. 371 filed on March 27, 2009 that the first named inventor should read as Joseph Newald. However, that request was in error . . . "

Accordingly, applicants' explanation is accepted and noted for the record. Therefore, the declaration filed by applicants on 26 March 2009 correctly identified the inventors of record

which corresponds to the inventors of record set forth in the published international application. Therefore, the declaration is in compliance with 37 CFR 1.497(a) and (b). Further, the first inventor's name will be corrected in the PALM Database to Josef NEWALD.

Applicants' request under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 05 October 2006 under 35 U.S.C. 363 and a date of 26 March 2009 under 35 U.S.C. 371(c).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Christopher J. McDonald
Hoffman Wasson & Gitler
2461 South Clark Street, Suite 522
Arlington, VA 22202

In re Application of	:	
MILLIGAN, et al.	:	
U.S. Application No.: 12/083,357	:	DECISION ON PETITION
PCT No.: PCT/AU2006/001492	:	
Int. Filing Date: 10 October 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 11 October 2005	:	
Attorney Docket No.: A-10954	:	
For: POST ASSEMBLY	:	

This decision is in response to the applicant's "PETITION UNDER 37 CFR 1.47" filed 23 July 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of co-inventor Glenn Battese.

BACKGROUND

On 10 October 2006, applicant filed international application PCT/AU2006/001492 which claimed priority to an earlier application filed 11 October 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 April 2008.

On 10 April 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 and an Information Disclosure Statement.

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

On 23 July 2009, applicant filed the present petition under 37 CFR 1.47.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), (3) and (4) above.

Regarding item (2), 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."

Applicant has provided a firsthand statement from Regan Drew Gourley detailing that a complete set of application papers was mailed to the inventor through registered mail and to date the inventor has not responded. The declaration indicates that a copy of the letter is attached. However, this material was not included with the present petition. While Mr. Gourley states that the inventor previously indicated to him that he would not sign the declaration this statement was made prior to the presentation of a complete set of application papers. The subsequent silence of the inventor will constitute a refusal if applicant presents the USPTO with a copy of the cover letter and proof of delivery. Since applicant is asking that the silence of the inventor constitute a refusal proof of receipt by the inventor must be shown before the application can proceed pursuant to 37 CFR 1.47.

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

13 OCT 2009

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

Christopher J Mcdonald
Hoffman Wasson & Gitler
2461 South Clark Street Suite 522
Arlington VA 22202

In re Application of	:	
MILLIGAN, et al.	:	DECISION ON RENEWED
Serial No.: 12/083,357	:	
PCT No.: PCT/AU2006/001492	:	PETITION UNDER
Int. Filing Date: 10 October 2006	:	
Priority Date: 11 October 2005	:	37 CFR 1.47
Atty Docket No.: A-10954	:	
For: POST ASSEMBLY	:	

This decision is in response to applicant's "RESPONSE TO DECISION ON PETITION UNDER 37 C.F.R. 1.47" filed 09 September 2009 to accept the application without the signature of joint inventor Glenn Battese.

BACKGROUND

On 06 August 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 09 September 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 26 August 2008, 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), as detailed in the previous decision, applicant has provided a firsthand account of the preparation and mailing of a complete set of application papers to the non-signing inventor. However, applicant's original filing did not include a copy of the cover letter nor proof of delivery by registered mail. Applicant has presently provided a copy of the letter, but not a showing that the material was delivered and signed for. As explained in the decision mailed 06 August 2009, "Since applicant is asking that the silence of the inventor

constitute a refusal, proof of receipt by the inventor must be shown before the application can proceed pursuant to 37 CFR 1.47." As such, the subsequent silence of the inventor cannot yet be considered a refusal under 37 CFR 1.47. In order to proceed, applicant must provide the office with proof of delivery; that is that the inventor received the mailing and has yet to take any action in response.

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

CONCLUSION

For the reasons stated above, applicant's renewed 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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

14 DEC 2009

Commissioner for Patents
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www.uspto.gov

Christopher J. McDonald
Hoffman Wasson & Gitler
2461 South Clark Street, Suite 522
Arlington, VA 22202

In re Application of	:	
MILLIGAN, et al.	:	
U.S. Application No.: 12/083,357	:	DECISION ON PETITION
PCT No.: PCT/AU2006/001492	:	
Int. Filing Date: 10 October 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 11 October 2005	:	
Attorney Docket No.: A-10954	:	
For: POST ASSEMBLY	:	

This decision is in response to the applicant's renewed petition under 37 CFR 1.47(a) filed 13 November 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of co-inventor Glenn Battese.

BACKGROUND

On 13 October 2009, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 13 November 2009, applicant filed the present renewed petition under 37 CFR 1.47.

DISCUSSION

As detailed in the decision mailed 13 October 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4) above.

With the filing of the present renewed petition and accompanying exhibit applicant has satisfied the remaining item and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reason outlined above, applicant's renewed petition is **GRANTED**.

The application has an international filing date of 10 October 2006 under 35 U.S.C. 363, and will be given a date of **23 July 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

14 DEC 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Glen Battese
22 Montgomery Court
Heritage Park
Queensland, 4118
AUSTRALIA

In re Application of
MILLIGAN, et al.
U.S. Application No.: 12/083,357
PCT No.: PCT/AU2006/001492
Int. Filing Date: 10 October 2006
Priority Date: 11 October 2005
Attorney Docket No.: A-10954
For: POST ASSEMBLY

Dear Mr. Battese:

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

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

Hoffman Wasson & Gitler
2461 South Clark Street, Suite 522
Arlington, VA 22202
United States of America

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28 APR 2008

Hemingway & Hansen, LLP
1717 Main Street, Suite 2500
Dallas, Texas 75201

In re Application of :
KHALIL et al. :
Application No.: 12/083,422 : DECISION ON PETITION
PCT No.: PCT/US06/28258 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 July 2006 :
Priority Date: 20 July 2005 :
Attorney Docket No.: 17855RR/P1042US :
For: FMIPv6 INTEGRATION WITH WIMAX :

The petition to revive under 37 CFR 1.137(b) filed 11 April 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

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Application of :
David Acher, et. al. :
Application No. 12/083,470 : DECISION ON PETITION
Filed: September 29, 2008 :
Attorney Docket No. 3289-8878US :

This is a decision on the petition under 37 CFR 1.182, filed, September 25, 2008 and on September 29, 2008, to change the name of inventor "Tracey Thompson" to – Tracey Heeson --.

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.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
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
12/083,470	09/29/2008	1615	1310	3289-8878US	25	2

CONFIRMATION NO. 8918

CORRECTED FILING RECEIPT

24247
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

OC000000035044014

Date Mailed: 03/18/2009

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)

David Acher, Hull, UNITED KINGDOM;
Paul Ellis, Hull, UNITED KINGDOM;
Tracey Heeson, Hull, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number 24247

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB2006/003814 10/16/2006

Foreign Applications

UNITED KINGDOM 0520931.7 10/14/2005

If Required, Foreign Filing License Granted: 03/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/083,470**

Projected Publication Date: 06/25/2009

Non-Publication Request: No

Early Publication Request: No

Title

Microemulsion and Shaving Apparatus Comprising a Microemulsion

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).

25 SEP 2009

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
WATSON, et al.	:	
PCT No.: PCT/AU2007/000240	:	DECISION ON PETITION
Application No.: 12/083,481	:	
Int. Filing Date: 28 February 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 28 February 2006	:	
Atty. Docket No.: SPRU-09US	:	
For: A MOBILE BLOWER/VACUUM DEVICE	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.47 (a) to Accept Unsigned Declaration" filed 10 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 February 2007, applicant filed international application PCT/AU2007/000240 which claimed priority to an earlier application filed 28 February 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 September 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 28 August 2008.

On 11 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an Application Data Sheet.

On 28 July 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 10 August 2009, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of inventor Marc F.L. Francis.

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. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

Applicant has provided payment of the $200.00 petition. As to the non-signing inventor, applicant has provided evidence showing that inventor Francis was provided a declaration and other papers and refused to cooperate by executing an oath or declaration for the present application. It is clear from the written refusal of the inventor that he is aware of the invention to which the declaration is directed. In addition, applicant has supplied the last known address of the non-signing inventor as well as a declaration executed by the remaining inventors on their own behalf and on behalf of inventor Francis.

CONCLUSION

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

The application has an international filing date of 28 February 2007 under 35 U.S.C. 363, and will be given a date of **10 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

25 SEP 2009

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Mr. Marc F.L. Francis
74 Government Road
Nelson Bay 2315
New South Wales
AUSTRALIA

In re Application of
WATSON, et al.
PCT No.: PCT/AU2007/000240
Application No.: 12/083,481
Int. Filing Date: 28 February 2007
Priority Date: 28 February 2006
Atty. Docket No.: SPRU-09US
For: A MOBILE BLOWER/VACUUM DEVICE

Dear Mr. Francis:

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
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WOOD, HERRON & EVANS, LLP
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UNITED STATES OF AMERICA

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28 APR 2008

JAY A. BONDELL, ESQ.
SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE - 19th FLOOR
NEW YORK NY 10017

In re Application of :
CHAVA, et al. :
Application No.: 12/083,487 :
PCT No.: PCT/IN06/00226 : DECISION ON PETITION
Int. Filing Date: 30 June 2006 :
Priority Date: 05 July 2005 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 0288-064P/JAB :
For: A PROCESS FOR THE PREPARATION OF :
MONTELUKAST :

The petition to revive under 37 CFR 1.137(b) filed 14 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
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CHERSKOV & FLAYNIK
20 NORTH WACKER DRIVE
CHICAGO, IL 60606

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of :
KOZAK, Burton :
Application No. 12/083,538 : DECISION ON PETITION
Filed: April 14, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **0052-01664 US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 a copy of the inventor's driver's license as evidence that Burton Kozak is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Applicant: Kadoya et al.
Appl. No.: 12/083,539
International Filing Date: September 25, 2006
Title: NOVEL BACILLUS SUBTILIS MUTANT STRAIN
Attorney Docket: 2537.0110000/MAC/T-M
Pub. No.: US 2009/0221055 A1
Pub. Date: September 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 3, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the publication lists a 371 (c)(1), (2), (4) date of April 14, 2008, rather than the correct date of November 4, 2008.

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

The error in the 371(c)(1), (2), (4) date listed on the front page of the publication may be an Office error, but it is not a material mistake in the publication made by the Office under 37 CFR 1.221(b). The misprinting of the 371(c)(1), (2), (4) date does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Furthermore, the error does not affect the use of the publication as a reference.

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

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

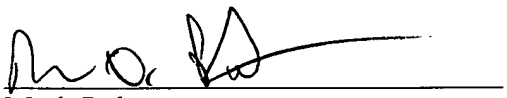
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

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

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



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

19 JUN 2008

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
Forster et al.	:	
Application No.: 12/083,546	:	
PCT No.: PCT/GB2006/003542	:	
Int. Filing Date: 25 September 2006	:	DECISION
Priority Date: 23 September 2005	:	
Attorney Docket No.: P72536US0	:	
For: RFID Tag	:	

The petition to revive under 37 CFR 1.137(b) filed on 14 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

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

16 JUL 2008

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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM NC 27707

In re Application of	:	
GUILAK et al.	:	
Application No.: 12/083,619	:	DECISION
PCT No.: PCT/US2006/035243	:	
Int. Filing Date: 11 September 2006	:	
Priority Date: 09 September 2005	:	
Attorney Docket No.: 180/198 PCT/US	:	
For: TISSUE ENGINEERING METHODS AND COMPOSITIONS	:	

This decision is in response to applicants' submission filed 10 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 September 2006, applicant filed international application PCT/US2006/035243 which designated the U.S. and claimed a priority date of 09 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 15 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 March 2008 (09 March 2008 being a Sunday).

On 10 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

As to item (1), applicant submitted the basic national fee on 10 April 2008.

As to item (2), applicant submitted the petition fee on 10 April 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.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

19 JUN 2008

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
1400 PAGE MILL ROAD
PALO ALTO CA 94304-1124

In re Application of	:	
Daniloff	:	
Application No.: 12/083,646	:	
PCT No.: PCT/US2006/014832	:	
Int. Filing Date: 19 April 2006	:	DECISION
Priority Date: 19 April 2005	:	
Attorney Docket No.: 8830-0001	:	
For: Implantable Tissue-Reactive Biomaterial Compositions: And Systems, And Methods Of Use Thereof	:	

The petition to revive under 37 CFR 1.137(b) filed on 14 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **14 April 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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- 1 DEC 2009

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PATENT DEPT
EXELIXIS, INC.
170 Harbor Way
P.O. BOX 511
SOUTH SAN FRANCISCO CA 94083-0511

In re Application of	:	
RICE et al.	:	
Application No.: 12/083,669	:	DECISION
PCT No.: PCT/US2006/048066	:	
Int. Filing Date: 23 October 2006	:	
Priority Date: 21 October 2005	:	
Attorney's Docket No.: EX06-033C-US	:	
For: PYRAZOLO-PYRIMIDINES AS CASEIN KINASE II (CK2) MODULATORS	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 17 November 2009.

BACKGROUND

On 16 April 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The Transmittal Letter identifies the international application number as PCT/US2006/048066 while the ADS identifies the international application as PCT/US2006/041506.

On 14 October 2009, a Notification was mailed indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 17 November 2009, applicants submitted the instant petition under 37 CFR 1.182. The petition fee has been paid.

DISCUSSION

A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/US2006/041506**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

09 MAR 2009

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15407 MCGINTY ROAD WEST
WAYZATA MN 55391

In re Application of: MCKENNA ET AL.	:	DECISION
U.S. Application No.: 12/083,721	:	
PCT Application No.: PCT/US2006/038645	:	ON
Int. Filing Date: 29 September 2006	:	
Priority Date: 30 September 2005	:	PETITION
Atty Docket No.: CGL05/0171US01 (CAP0049/US)	:	
For: Meat Fabrication System and Method	:	UNDER
	:	
	:	37 CFR 1.137(b)

BACKGROUND

On 29 September 2006, applicant filed international application PCT/US2006/038645, which designated the U.S. and claimed priority date of 30 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 March 2008.

On 16 April 2008, applicant submitted national stage papers in the United States Designated Office (DO/EO/US).

On 16 April 2008, applicant filed the present petition under 37 CFR 1.137(b). The basic national stage fee of $310 accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), the required reply has been received.

Regarding item (2), the required petition fee has been received.

Regarding item (3), the petition includes the required statement.

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

CONCLUSION

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

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

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

27 FEB 2009

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Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington, D.C. 20004

In re Application of :
WRIGHT et al. :
Application No.: 12/083,832 : DECISION ON
PCT No.: PCT/GB06/03807 : PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 13 October 2006 :
Priority Date: 22 October 2005 :
Attorney Docket No.: 066079-5164 :
For: YELLOW AZO DYES FOR INK JET PRINTING :

This decision is issued in response to the declaration filed 18 April 2008, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 13 October 2006, applicants filed the above-identified international application which claimed a priority date of 22 October 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 April 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 22 April 2008.

On 18 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a combined declaration/power of attorney executed by Gavin Wright; Rachel Anne James and Lynn Patricia Bradbury.

On 24 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 18 April 2008.

DISCUSSION

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

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

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by "all of the heirs" of the deceased inventor, where no legal representative has been appointed.

The combined declaration/power of attorney submitted on 18 April 2008 was executed by Lynn Patricia Bradbury as "Spouse, heir at law" to the deceased inventor, Roy Bradbury. However, the declaration does not state that Lynn Patricia Bradbury is the sole heir or legal representative of the deceased inventor. Absent a statement that the signing heir is the sole heir or legal representative of the deceased inventor, the declaration cannot be accepted under 37 CFR 1.42.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed on 18 April 2008 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Since the declaration is not in compliance with 37 CFR 1.42 and 1.497(b)(2), the Notification of Acceptance of Application mailed 24 February 2009 is hereby **VACATED**.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

17 APR 2009

Commissioner for Patents
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Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington, D.C. 20004

In re Application of :
WRIGHT et al. :
Application No.: 12/083,832 : DECISION ON
PCT No.: PCT/GB06/03807 : PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 13 October 2006 :
Priority Date: 22 October 2005 :
Attorney Docket No.: 066079-5164 :
For: YELLOW AZO DYES FOR INK JET PRINTING :

In a decision mailed by this Office on 27 February 2009, the declaration filed by applicant on behalf of deceased inventor Roy Bradbury was dismissed for failure to include all the information required under 37 CFR 1.497.

On 13 April 2009, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 13 April 2009 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Lynn Patricia Bradbury as "Legal Representative," states her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is GRANTED.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony R

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

3 0 JAN 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

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

In re Application of:	:	
WRIGHT, Gavin, et al.	:	DECISION REGARDING
U.S. Application No.: 12/083,840	:	SUBMISSION UNDER
PCT No.: PCT/GB2006/003808	:	37 CFR 1.42
International Filing Date: 13 October 2006	:	
Priority Date: 22 October 2005	:	
Attorney's Docket No.: 066079-5163	:	
For: YELLOW AZO DYES FOR INK JET PRINTING	:	

This decision is issued in response to applicant's 18 April 2008 submission of a declaration executed on behalf of deceased inventor Roy BRADBURY by the deceased inventor's "heir at law", Patricia Lynn BRADBURY. The declaration has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 13 October 2006, applicant filed international application PCT/GB2006/003808. The international application claimed a priority date of 13 October 2006, and it designated the United States. On 26 April 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for entry into the U.S. national stage and submission of the basic national fee was thirty months from the priority date, i.e., 22 April 2008.

On 18 April 2008, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and declarations executed by the two surviving inventors and,on behalf of deceased inventor Roy BRADBURY by the deceased inventor's "heir at law", Patricia Lynn BRADBURY. The declaration is considered herein under 37 CFR 1.497 and 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 states in part:

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

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

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

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497.

Here, the declaration filed 18 April 2008 includes the required citizenship of the deceased inventor, and it provides a residence and mailing address for the person signing the declaration on behalf of the deceased inventor. However, the declaration does not expressly set forth the citizenship of the person signing on behalf of the deceased inventor, as required. In addition, neither the declaration nor any materials submitted therewith state that the heir listed on the declaration is the only heir of the deceased inventor (or the legal representative). Applicant must provide a revised declaration executed by the legal representative of the deceased inventor (or all his heirs) that includes all required information, including the citizenship of the person(s) signing on behalf of the deceased inventor. Such declaration must also make clear on its face, or be accompanied by a statement and/or supporting documentation confirming, that the person(s) executing the declaration on behalf of the deceased inventor are the only heirs (or the legal representative) of the deceased inventor.

CONCLUSION

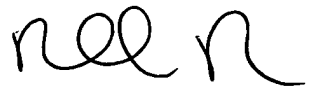
Applicant's request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date this decision to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed by all the heirs of the deceased inventor (or the legal representative) that includes all the information required by 37 CFR 1.497, including the citizenship of the person(s) signing on behalf of the deceased inventor. If the declaration is executed by all the heirs of the deceased inventor, as opposed to the legal representative, a statement and/or supporting documentation confirming that the person(s) executing the declaration on behalf of the deceased inventor is/are the only heirs of the deceased inventor is also required.

Applicants must also submit the $130 surcharge for filing an acceptable oath or declaration later than thirty months after the priority date.

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



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UNITED STATES PATENT AND TRADEMARK OFFICE

28 JUL 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of:	:	
WRIGHT, Gavin, et al.	:	DECISION REGARDING
U.S. Application No.: 12/083,840	:	RENEWED SUBMISSION UNDER
PCT No.: PCT/GB2006/003808	:	37 CFR 1.42
International Filing Date: 13 October 2006	:	
Priority Date: 22 October 2005	:	
Attorney's Docket No.: 066079-5163	:	
For: YELLOW AZO DYES FOR INK JET PRINTING	:	

This decision is issued in response to the "Request For Reconsideration" filed by applicants on 13 March 2009, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 30 January 2009. The decision rejected without prejudice the declaration filed on 18 April 2008 for failure to include all required information with respect to the person executing the declaration on behalf of deceased inventor Roy BRADBURY.

On 13 March 2009, applicants filed the "Request For Reconsideration" considered herein, accompanied by a revised declaration executed on behalf of the deceased inventor and the $130 surcharge required for filing the declaration later than thirty months after the priority date.

DISCUSSION

The revised declaration filed 13 March 2009 is executed on behalf of deceased inventor Roy BRADBURY by Lynn Patricia Bradbury. The declaration expressly identifies Lynn Patricia Bradbury as the legal representative of the deceased inventor, and it includes all required information with respect to the deceased inventor and the legal representative (including the deceased inventor's citizenship and the legal representative's citizenship, residence, and mailing address). Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the declaration filed 13 March 2009 is appropriate.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Roy BRADBURY is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 March 2009.

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MAILED

MAY 07 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Chen, Wen Yuan	:	DECISION ON PETITION
Application No. 12/083,865	:	TO WITHDRAW
Filed: August 21, 2009	:	FROM RECORD
Attorney Docket No. 03153.0019.PCUS00	:	

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 23, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 22428 was revoked by the assignee of the patent application on January 27, 2010. 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 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

cc: HOWREY LLP - East
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH VA 22042-2924

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/083,946	04/21/2008	Yutaka Omura	61887/A400	3640

7590 03/25/2010

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER	
WARD, JOHN A	

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
03/25/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

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

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2009

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DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

In re Application of	:	
HANNAM et al.	:	
Application No.: 12/084,183	:	
PCT No.: PCT/AU06/01598	:	DECISION ON
Int. Filing Date: 26 October 2006	:	
Priority Date: 27 October 2005	:	under 37 CFR 1.497(d)
Atty Docket No.:1278-27	:	
For: A WORKSTATION SYSTEM	:	
	:	

This is a decision on applicant's "Request to Change Inventorship Under 37 CFR 1.497(d)", filed on 26 June 2009 in the United States Patent and Trademark Office (USPTO). Applicant's request for two month extension is granted.

BACKGROUND

On 26 February 2009, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 26 June 2009, applicant filed a petition under 37 CFR 1.497(d) for correction of inventorship, to add Nicky Paul Scriggins as inventors. In addition to the $130 petition fee, Petitioner provided the statement of Nicky Paul Scriggins as inventor in support of the correction of inventorship under 37 CFR 1.497(d). A copy of the declaration executed by the inventors was provided.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant has satisfied Items (1), (2) and Item (3) above.

Accordingly, applicant has now met all of the requirements to add Nicky Paul Scriggins as co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.497(d) to add Inventor Nicky Paul Scriggins in the above-captioned application is **GRANTED**.

The declaration, executed by Robert Hannam and Nicky Paul Scriggins as joint inventors in the above referenced application, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **26 June 2009.**

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUN 2008

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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

In re Application of BOURCIER et al :
U.S. Application No.: 12/084,188 :
PCT Application No.: PCT/US2006/020565 :
Int. Filing Date: 26 May 2006 :
Priority Date Claimed: 31 May 2005 : DECISION
Attorney Docket No.: SP05-059 :
For: CELLULAR HONEYCOMB ULTRACAPACITORS AND HYBRID CAPACITORS WITH SEPARATOR-SUPPORTED CURRENT COLLECTORS :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally" filed 25 April 2008.

BACKGROUND

On 26 May 2006, applicant filed international application PCT/US2006/020565, which claimed priority of an earlier United States application filed 31 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 November 2007.

On 01 December 2007, international application PCT/US2006/020565 became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 April 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

With regard to item (2), applicant has provided the required petition fee.

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 26 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 April 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

23 JUN 2008

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CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

In re Application of	:	
Bourcier et al.	:	
Application No.: 12/084,196	:	
PCT No.: PCT/US2006/020564	:	
Int. Filing Date: 26 May 2006	:	DECISION
Priority Date: 31 May 2005	:	
Attorney Docket No.: SP05-058	:	
For: Cellular Honeycomb Ultracapacitors And Hybrid Capacitors And Methods For Producing	:	

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

Petitioner states that the "entire delay in filing the required papers from the due date until the filing of this grantable petition was unintentional." This is being construed as 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." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 April 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

27 MAR 2009

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of :
HASHIMOTO et al. :
Application No.: 12/084,292 :
PCT No.: PCT/JP2006/321838 :
Int. Filing: 01 November 2006 : DECISION ON PETITION
Priority Date: 02 November 2005 :
Attorney Docket No.: 136899 :
For: METHOD FOR WATER-SEALING TREATMENT OF ON-VEHICLE ELECTRIC CABLES :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) - Unavailability of Inventor" filed 23 February 2009 to accept the application without the signature of joint-inventor, Hirotaka Yamada. The requisite $200 petition fee has been submitted.

BACKGROUND

On 01 November 2006, applicants filed international application PCT/JP2006/321838, which claimed a priority date 02 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 May 2007. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 02 May 2008.

On 29 April 2008, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; and a preliminary amendment.

On 14 January 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 23 February 2009, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

Regarding item (2) above, petitioner states that Hirotaka Yamada cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

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

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Hirotaka Yamada. The Declaration of Masakuni Kasugai states that, "I (Masakuni Kasugai) sent a letter by mail to Mr. Yamada, postmarked March 31, 2008. . . The letter was returned by the Post Office as undeliverable." The single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Further, Masakuni Kasugai's declaration states, "I performed a search to locate Mr. Yamada using a phone directory listing on April 4, 2008 . . . to date, all other attempts to contact Mr. Yamada have also proved unsuccessful." However, no documentary evidence to support the search of the phone directory was provided in the petition.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein.

For the above reasons, it would not be appropriate to accept this application without the signature of Hirotaka Yamada at this time.

CONCLUSION

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

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Oliff & Berridge, PLC
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Alexandria, VA 22320-4850

In re Application of :
HASHIMOTO et al. :
Application No.: 12/084,292 :
PCT No.: PCT/JP2006/321838 :
Int. Filing: 01 November 2006 : DECISION ON PETITION
Priority Date: 02 November 2005 :
Attorney Docket No.: 136899 :
For: METHOD FOR WATER-SEALING TREATMENT OF ON-VEHICLE ELECTRIC CABLES :

In a decision mailed by this Office on 27 March 2009, applicants' renewed petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 12 May 2009, petitioner filed the renewed petition considered herein. The petition papers include a statement from Shigeo Hayashi and Masakuni Kasugai, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor has refused to execute the declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Hirotaka Yamada.

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

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

Anthony Smith
Attorney-Advisor
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Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2009

Commissioner for Patents
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Hirotaka Yamada
43-513 Ozakiyam Narumicho
Midori-ku Nagoya-shi
Aichi 458-0821
Japan

In re Application of
HASHIMOTO et al.
Application No.: 12/084,292
PCT No.: PCT/JP2006/321838
Int. Filing: 01 November 2006
Priority Date: 02 November 2005
Attorney Docket No.: 136899
For: METHOD FOR WATER-SEALING TREATMENT OF ON-VEHICLE ELECTRIC CABLES

Dear Hirotaka Yamada:

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

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

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

Counsel of Record:
Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Mitsutoshi Asano	: DECISION ON REQUEST FOR
Patent Number	: 7614579	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/084,435	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **51** 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

16 MAY 2008

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BEUSSE WOLTER SANKS MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

In re Application of:
HEYL, Jon
U.S. Application No.: 12/084,444
PCT No.: PCT/US2006/025646
International Filing Date: 30 June 2006
Priority Date: 30 June 2005
Atty Docket No.: 10866-007
For: LEAD FRAME ISOLATION USING LASER TECHNOLOGY

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 01 May 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 30 December 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the reply (the missing 35 U.S.C. 371(c) requirements) from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," with supporting materials describing the specifics of the delay. These statements satisfy the requirement of 37 CFR 1.137(b)(3).

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

It is noted that applicant's 01 May 2008 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 50-4149 will be charged the $65 small entity surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 May 2008.

Richard M. Ross
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09 JUN 2008

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KINNEY & LANGE, P.A.
The Kinney & Lange Building
312 South Third Street
Minneapolis, Minnesota 55415-1002

In re Application of	:	DECISION ON
Sugiura et al	:	
Application No.: 12/084,451	:	
PCT No.: PCT/JP2006/321408	:	
Int. Filing Date: 26 October 2006	:	PETITION UNDER
Priority Date: 27 October 2005	:	
Attorney's Docket No.: M968-312-0001	:	
For: INTEREENRENCE EXCLUSION CAPABILITY	:	
TESTING APPARATUS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 30 April 2008.

BACKGROUND

On 26 October 2006, this international application was filed, claiming an earliest priority date of 27 October 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 27 April 2008. This international application became abandoned with respect to the United States at midnight on 27 April 2008 for failure to pay the required basic national fee.

On 30 April 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, petition fee and an executed declaration.

DISCUSSION

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

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

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

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **30 April 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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26 OCT 2009
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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of	:	
Lalesse et al.	:	
Application No.: 12/084,456	:	DECISION
PCT No.: PCT/NL2006/000545	:	
Int. Filing Date: 01 November 2006	:	ON
Priority Date: 01 November 2005	:	
Attorney Docket No.: VER-232XX	:	PETITION
For: Sysem For Arranging And/Or Storing Objects	:	

This is in response to the constructive petition under 37 CFR 1.47(b) filed on 06 July 2009.

BACKGROUND

This international application was filed on 01 November 2006, claimed an earlier priority date of 01 November 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 10 May 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 May 2008. Applicants filed *inter alia* the basic national fee on 30 April 2008.

On 05 January 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b), and a surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known addresses of the inventors, (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.

Regarding requirement (1) the $200.00 petition fee is being charged to counsel's Deposit Account 23-0804, per the authorization filed on 30 April 2008.

Regarding requirement (2), petitioner has provided a "Declaration of M. Van Rooij" who indicates that he sent correspondence to each of the inventors at their respective last-known addresses on 11 February 2009 and 06 March 2009, "with a complete copy of the application U.S. Serial No. 12/084,456, including a declaration to be executed by each inventor." Copies of the letters are attached. Petitioner has also attached copies of Dutch postal receipts, but has not provided English translations thereof. In the absence of translations of this pertinent evidence, it would not be appropriate to conclude at this time that requirement (2) has been satisfied.

Regarding requirement (3), the petition does not appear to include an explicit statement of the inventors' last known addresses. Accordingly, requirement (3) has not been satisfied.

Concerning requirement (4), the petition is accompanied by a declaration signed on behalf of the inventors by G.F.T. van Eerd in the capacity of "director of Jumbo." The declaration nominates the same inventive entity as was named in the published international application. However, it provides identical residence, postal address and citizenship information for all three inventors. This calls into question whether the information (e.g., citizenship) appearing on the declaration pertains to the inventors or instead to the person signing on behalf of the putative 37 CFR 1.47(b) applicant. Clarification is required.

Regarding requirement (5), petitioner suggests that the application is being made by Jumbo Distributiecentrum B.V. as a 37 CFR 1.47(b) applicant. Petitioner has provided a "Declaration of M. Van Rooij," who (in the asserted capacity of registered Dutch patent agent) suggests that proprietary interest lies with the putative 37 CFR 1.47(b) applicant, Jumbo, by operation of Dutch law and by way of the distribution of assets through bankruptcy. Petitioner has provided a copy and translation of a document assigning interest in a Dutch application from TRM Intelligent Storage System, B.V. to TRM Patenten B.V. Petitioner has also provided a "Declaration of A.M.T. Weersink" who states, in the capacity of Trustee in bankruptcy, that "I transferred all rights in PCT Application No. WO 2007/053010 and U.S. Application Serial No. 12/084,456 from the bankrupt TRM Patenen B.V. to Jumbo Distributiecentrum B.V. on 17 July 2008 as shown by the records of the bankruptcy proceedings attached." Mr. Weersink has provided copies and translations of relevant documents, but it is not clear that these documents cover the instant application because, though the Purchase Agreement refers to PCT applications as being identified in certain annexes, said annexes do not appear to have been provided. Moreover, it is unclear whether TRM held proprietary interest in the first place, since petitioner has not provided adequate evidence in that regard. In the event that the Declaration of M. Van Rooij is intended to establish that interest, petitioner's attention is drawn to the requirements for a legal memorandum described at MPEP 409.03(f). Therefore, requirement (5) has not been satisfied at this time.

Regarding requirement (6), the petition does not include an explicit showing that according the application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage.

DECISION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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15 SEP 2008

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

In re Application of	:	
FARRELL	:	
Application No.: 12/084,469	:	DECISION
PCT No.: PCT/GB2006/003756	:	
Int. Filing Date: 09 October 2006	:	
Priority Date: 01 November 2005	:	
Attorney's Docket No.: W0286.70013US00	:	
For: HEATING SYSTEM	:	

This decision is in response to applicant's petition under 37 CFR 1.10(c) filed on 06 June 2008 in the United States Patent and Trademark Office (USPTO)

BACKGROUND

On 09 October 2006, applicant filed international application PCT/GB2006/003756 which designated the U.S. and claimed a priority date of 01 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 10 May 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 01 May 2008.

On 01 May 2008, the United States Designated/Elected Office (DO/EO/US) received a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 06 June 2008, applicant submitted the instant petition under 37 CFR 1.10(c). The petition was accompanied by, *inter alia*, a copy of a postcard receipt date-stamped 01 May 2008 by the USPTO, and a copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label #EV716301311US. The handwritten date in the "Date Accepted" box is "43008".

DISCUSSION

The evidence of record is sufficient to establish with reasonable certainty that the application papers and basic national fee were deposited with the United States Postal Service as an "Express Mail Post Office to Addressee" mailing on 30 April 2008. Specifically, the "Express Mail" label number ("EV716301311US") appears on the application papers, which also list the

above-identified attorney docket number, title and inventor. As discussed above, the "Date Accepted" entry in the copy of the Customer Copy of the "Express Mail" label is 30 April 2008.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.10(c) requesting that the application papers and the basic national fee be accorded a receipt date of 30 April 2008 is **GRANTED**.

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

/Daniel Stemmer/

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29 SEP 2009

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BUCHANAN, INGERSOLL & ROONEY PC
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ALEXANDRIA VA 22313-1404

In re Application of
CHEVALLIER-MAMES, et al.
U.S. App. No.: 12/084,487
PCT No.: PCT/EP06/67901
Int. Filing Date: 27 October 2006
Priority Date: 04 November 2005
Attorney Docket No.: 1032326-000459
For: METHOD FOR SECURELY HANDLING DATA DURING THE RUNNING OF CRYPTOGRAPHIC ALGORITHMS ON EMBEDDED SYSTEMS

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to the "Petition Pursuant to 37 C.F.R. §1.182" filed 23 September 2009. Applicant has provided payment of the $400 petition fee.

BACKGROUND

On 27 October 2006, applicants filed international application PCT/EP06/67901 which claimed priority to an earlier application filed 04 November 2005 and which designated the United States. On 10 May 2007, a copy of the international application was transmitted to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2008.

On 02 May 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the basic national fee.

On 17 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 23 September 2009, applicants filed the petition assert that they timely submitted the materials required by the Notification Of Missing Requirements. Specifically, applicants assert that a declaration was filed on 23 May 2008, however, applicants note that the submission was submitted under an incorrect application number (12/084,847).

DISCUSSION

Where, as here, materials have been filed under the wrong application number, a grantable petition under 37 CFR 1.182 is required to confirm the previous submissions and to have such submissions treated as having have been filed in the present application on the respective filing dates, as required to withdraw the holding of abandonment. A review application file for application file 12/084,847 finds the 23 May 2008 filing contained therein. Applicant has indicated that the error was inadvertent. In addition, a review of the filing finds that it contains sufficient identifiers, i.e. applicant, docket number, filing dates and title to sufficiently identify the application as intended for the U.S. national stage application for international application PCT/EP06/67901. The papers and fee payment provided on 23 May 2008 in application 12/084,847 will be moved to the present application.

CONCLUSION

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

The Form PCT/DO/EO/905 mailed 17 July 2009 is hereby **VACATED**.

This application will be given an international filing date of 27 October 2006 and a date of 23 May 2008 under 35 U.S.C. 371. The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Junichi Matsubara	: DECISION ON REQUEST FOR
Patent Number	: 7655338	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/084,554	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/05/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **87** 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.

15 JUL 2009

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of	:	
YANNAS et al.	:	
Application No.: 12/084,569	:	DECISION
PCT No.: PCT/US2006/043424	:	
Int. Filing Date: 06 November 2006	:	
Priority Date: 07 November 2005	:	
Attorney Docket No.: P-7597-US	:	
For: GRADIENT TEMPLATE FOR ANGIOGENESIS DURING LARGE ORGAN REGENERATION	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 15 May 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 06 November 2006, applicants filed international application PCT/US2006/043424, which designated the United States and claimed a priority date of 07 November 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2008.

On 06 May 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 07 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 May 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and copies of various documents.

DISCUSSION

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

Items (1) and (3) have been met.

Item (2) has not been met. It is not clear whether it is being alleged that Christopher J. Zagorski refuses to execute the application or that he cannot be reached after diligent effort. The two are distinct. *See, e.g.,* MPEP 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join." It is not clear that the packages sent to Mr. Zagorski's last known address were received by him. The Track and Confirm results from the United States Postal Service website (page 21 in IFW of the petition filed 15 May 2009) shows acceptance in New York but is silent regarding delivery in England.

If it is being alleged that Mr. Zagorski refuses to sign, it must be established that he was presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d).

If it is being alleged that Mr. Zagorski cannot be reached or found, MPEP § 409.03(d), item I, states in part:

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

No firsthand statement has been provided. Additionally, although a Google search was conducted for Mr. Zagorski, it does not appear that any internet search using a people locator

service was made.

Item (4) has not been met. The declaration filed 15 May 2009 is an improper composite declaration, consisting of one of Page 1, two of Page 2, and one of Page 3. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

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

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

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

/Daniel Stemmer/

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2 6 OCT 2009

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New York NY 10036

In re Application of	:	
YANNAS et al.	:	
Application No.: 12/084,569	:	DECISION
PCT No.: PCT/US2006/043424	:	
Int. Filing Date: 06 November 2006	:	
Priority Date: 07 November 2005	:	
Attorney Docket No.: P-7597-US	:	
For: GRADIENT TEMPLATE FOR ANGIOGENESIS DURING LARGE ORGAN REGENERATION	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 15 October 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 06 November 2006, applicants filed international application PCT/US2006/043424, which designated the United States and claimed a priority date of 07 November 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2008.

On 06 May 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 07 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 May 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and copies of various documents.

On 15 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided and 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 had not been provided.

On 15 October 2009, the instant renewed petition under 37 CFR 1.47(a) was filed which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a statement of facts by Leah Herszberg and supporting documentation.

DISCUSSION

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

As noted in the decision mailed 15 July 2009, items (1) and (3) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Christopher J. Zagorski cannot be reached after diligent effort.

Item (4) has still not been met. As noted in the decision mailed 15 July 2009, the declaration filed 15 May 2009 is an improper composite declaration, consisting of one of Page 1, two of Page 2, and one of Page 3. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

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

Since the reply filed 15 October 2009 appears to have been bona fide, applicant is given a

TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Extensions of this time period may be granted under 37 CFR 1.136(a).

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

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

/Daniel Stemmer/

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

12 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of	:	
YANNAS et al.	:	
Application No.: 12/084,569	:	DECISION
PCT No.: PCT/US2006/043424	:	
Int. Filing Date: 06 November 2006	:	
Priority Date: 07 November 2005	:	
Attorney Docket No.: P-7597-US	:	
For: GRADIENT TEMPLATE FOR ANGIOGENESIS DURING LARGE ORGAN REGENERATION	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 30 November 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 06 November 2006, applicants filed international application PCT/US2006/043424, which designated the United States and claimed a priority date of 07 November 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2008.

On 06 May 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 07 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 May 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and copies of various documents.

On 15 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided and 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 had not been provided.

On 15 October 2009, a renewed petition under 37 CFR 1.47(a) was filed which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a statement of facts by Leah Herszberg and supporting documentation.

On 26 October 2009, a decision was mailed dismissing without prejudice applicants' renewed petition under 37 CFR 1.47(a). Specifically, it was noted that an adequate 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 had not been provided.

On 30 November 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors.

DISCUSSION

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

As noted in the decision mailed 15 July 2009, items (1) and (3) have been met.

As noted in the decision mailed 26 October 2009, item (2) has been met.

Item (4) has now been met.

Declaration of Inventors

The declaration of inventors filed 30 November 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **30 November 2009**.

/Daniel Stemmer/

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

12 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Mr. Christopher J. Zagorski
12 Regency Close
Chigwell, Essex 1G7 5NY
United Kingdom

In re Application of
YANNAS et al.
Application No.: 12/084,569
PCT No.: PCT/US2006/043424
Int. Filing Date: 06 November 2006
Priority Date: 07 November 2005
Attorney Docket No.: P-7597-US
For: GRADIENT TEMPLATE FOR ANGIOGENESIS DURING LARGE ORGAN REGENERATION

Dear Mr. Zagorski:

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

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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12th Floor
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27 OCT 2009

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Dilworth & Barrese, LLP
1000 Woodbury Road
Suite 405
Woodbury, NY 11797

In re Application of :
MOY et al. :
Application No.: 12/084,592 : DECISION
PCT No.: PCT/US2006/043491 : REGARDING
Int. Filing Date: 07 November 2006 : SUBMISSION UNDER 37 CFR 1.42
Priority Date: 08 November 2005 :
Attorney Docket No.: 1321-151 PCT US :
For: FLAME RETARDANT COMPOSITION :
AND HYDROLYSIS-SUSCEPTIBLE
RESIN CONTAINING SAME

This decision is issued in response to the declaration filed 25 August 2009 which is being treated as a submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 07 November 2006, applicant filed international application PCT/US2006/043491 which claimed a priority date of 08 November 2005. On 18 May 2007, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 08 May 2008 (thirty months from the priority date).

On 06 May 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and an information disclosure statement.

On 06 July 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 25 August 2009, applicant filed the present petition and a declaration executed by Paul Y. Moy as an inventor and Leslie Bright, on behalf of deceased inventor, Danielle A. Bright.

DISCUSSION

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

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

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 25 August 2009 was executed by Leslie Bright as "legal representative" to the deceased inventor, Danielle A. Bright. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

28 APR 2009

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Empk & Shiloh, LLP
c/o Landon IP, Inc.
1700 Diagonal Road
Suite 450
Alexandria VA 22314

In re Application of:
Ilan Ben-Oren
Application No.: 12/084,629
PCT No.: PCT/IL06/01296
Int. Filing Date: 12 November 2006
Priority Date: 11 November 2005
Attorney Docket No.: P-9181-US
For: BREATH TEST DEVICE AND METHOD

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 November 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

21 SEP 2009

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Alexandria, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
KARIIS et al	:	
Application No.: 12/084,779	:	
PCT No.: PCT/SE2006/001272	:	
Int. Filing Date: 09 November 2006	:	DECISION
Priority Date: 09 November 2005	:	
Attorney Docket No.: P72601US0	:	
For: LOW-EMISSIVE PAINT	:	

The decision is in response to applicants' "STATEMENT UNDER 37 C.F.R. 1.497(d)", which has properly been treated as a petition under 37 CFR 1.182, filed in the USPTO on 13 July 2009.

BACKGROUND

On 09 November 2006, applicants filed international application PCT/SE2006/001272 which designated the United States and claimed a priority date of 09 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2008.

On 09 May 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 February 2009, applicants filed a submission which was accompanied by a declaration of inventors.

On 21 May 2009, the USPTO issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors submitted with

the 05 February 2009 submission was not in compliance with 37 CFR 1.497(a)-(b) because the third inventor's last name is different on the declaration than on the International Application.

On 24 October 2007, applicants submitted the instant petition under 37 CFR 1.182. The petition was accompanied by an affidavit of Christina Akerlind.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee of $400 has been charged to Deposit Account 06-1358.

With regard to item (2), the affidavit of Christina Akerlind is an affidavit setting forth both names (Christina Nilsson and Christina Akerlind) and the procedure (marriage) whereby the change of name was effected. The affidavit is accepted.

Declaration of Inventors

The declaration of inventors filed 05 February 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

/Daniel Stemmer/

Daniel Stemmer
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Legal Administration
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OFFICE OF PETITIONS

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

In re Application of	:	
Song Zhang et al.	:	
Application No. 12/084,799	:	DECISION ON PETITION
Filed: February 19, 2009	:	TO WITHDRAW
Attorney Docket No. G0775.70001US02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 2009.

The request is **NOT APPROVED.**

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: Dr. Shing-Tung Yau
Geometric Informatics, Inc.
387 Somerville Avenue
Somerville, MA 02143

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

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of :
Song Zhang et al. :
Application No. 12/084,799 : DECISION ON PETITION
Filed: February 19, 2009 : TO WITHDRAW
Attorney Docket No. G0775.70001US02 : 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 21, 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 Steven J. Henry on behalf of all attorneys/agents associated with customer number 23628. All attorneys/agents associated with customer number 23628 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 at the address is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dr. Shing-Tung Yau
Geometric Informatics, Inc.
387 Somerville Avenue
Somerville, MA 02143

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
12/084,799	02/19/2009	Song Zhang	G0775.70001US02

CONFIRMATION NO. 2771

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

POWER OF ATTORNEY NOTICE

Date Mailed: 10/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/21/2009.

- 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

15 DEC 2008

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
KUFFERATH-KASSNER et al.	:	
Application No.: 12/084,813	:	
PCT No.: PCT/DE06/01926	:	DECISION ON
Int. Filing Date: 03 November 2006	:	
Priority Date: 08 November 2005	:	under 37 CFR 1.497(d)
Atty Docket No.:Kufferath-Kassner et al. - 1 PCT	:	
For: WOVEN FABRIC COMPRISING WEPT WIRES	:	

This is a decision on applicant's "Request to Change Inventorship Under 37 CFR 1.497(d)", filed on 10 October 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 October 2008, applicant filed a petition under 37 CFR 1.497(d) for correction of inventorship, to add Christoph Kronhagel and Ralf Muller as inventors. In addition to the $130 petition fee, Petitioner provided the statement of the inventor Christoph Kronhagel and Ralf Muller as inventor in support of the correction of inventorship under 37 CFR 1.497(d). A copy of the declaration executed by the inventors was provided.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant has satisfied Items (1), (2) and Item (3) above.

Accordingly, applicant has now met all of the requirements to add Christoph Kronhagel and Ralf Muller as co-inventors in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Add Inventor Christoph Kronhagel and Ralf Muller in the above-captioned application is **GRANTED**.

The declaration, executed by Christoph Kronhagel and Ralf Muller as joint inventors with Ingo Kupperath-Kassner and Jakob Sistig in the above referenced application, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **10 October 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

28 JUL 2009

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RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON, OH 44308

In re Application of SEYMOUR	:	
U.S. Application No.: 12/084,868	:	
PCT Application No.: PCT/GB2006/050383	:	
Int. Filing Date: 10 November 2006	:	
Priority Date Claimed: 10 November 2005	:	DECISION
Attorney Docket No.: GIL.P.US0054	:	
For: A BIOCIDAL FILM-FORMING	:	
COMPOSITION AND METHOD FOR	:	
COATING SURFACES WITH IT	:	

This is in response to the correspondence filed 27 January 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 November 2006, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 10 November 2006, applicant filed international application PCT/GB2006/050383, which claimed priority of an earlier United Kingdom application filed 10 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2008 (10 May 2008 was a Saturday).

On 12 May 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 27 January 2009, applicant filed the present request for status under 37 CFR 1.42 including an executed declaration.

DISCUSSION

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

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

The declaration filed 27 January 2009 fails to state the citizenship, residence, and mailing address of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a singular indication of citizenship, residence, and mailing address cannot be used for both the deceased inventor and the legal representative.

CONCLUSION

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

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. 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 Request for Status Under 37 CFR 1.42". 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

04 AUG 2009

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FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON, OH 44308

In re Application of SEYMOUR :
U.S. Application No.: 12/084,868 :
PCT Application No.: PCT/GB2006/050383 :
Int. Filing Date: 10 November 2006 :
Priority Date Claimed: 10 November 2005 : DECISION
Attorney Docket No.: GIL.P.US0054 :
For: A BIOCIDAL FILM-FORMING :
COMPOSITION AND METHOD FOR :
COATING SURFACES WITH IT :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371, 37 CFR 1.42, and 37 CFR 1.497(d).

BACKGROUND

On 10 November 2006, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 10 November 2006, applicant filed international application PCT/GB2006/050383, which claimed priority of an earlier United Kingdom application filed 10 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2008 (10 May 2008 was a Saturday).

On 12 May 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 27 January 2009, applicant filed a request for status under 37 CFR 1.42 including an executed declaration.

On 28 July 2009, this Office mailed a decision dismissing the 27 January 2009 petition on grounds that the submitted declaration failed to state the citizenship, residence, and mailing address of the legal representative as required by 37 CFR 1.497(b)(2).

DISCUSSION

Further review of the declaration filed 27 January 2009 reveals that the citizenship, residence, and mailing address of the legal representative is stated on page 2 of the declaration in compliance with 37 CFR 1.497(b)(2). Accordingly, the declaration is accepted under 37 CFR 1.42.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 filed 27 January 2009 is GRANTED.

The decision mailed 28 July 2009 is hereby VACATED.

The application has an international filing date under 35 U.S.C. 363 of 10 November 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 January 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

2 1 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON OH 44308

In re Application of	:	
SEYMOUR	:	DECISION ON
Application No.: 12/084,869	:	
PCT No.: PCT/GB2006/050384	:	PAPERS
Int. Filing Date: 10 November 2006	:	
Priority Date: 10 November 2005	:	UNDER 37 CFR 1.42
Attorney's Docket No.: GIL.P.US0053	:	
For: AQUEOUS BIOCIDAL COMPOSITION, AND METHODS AND DEVICES FOR DISPERSING IT	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 22 December 2008, which was accompanied by a declaration of the inventor. The indication in this declaration that inventor Keith Seymour is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 November 2006, applicant filed international application PCT/GB2006/050384, which designated the United States and claimed a priority date of 10 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2008 (10 May 2008 being a Saturday).

On 12 May 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 07 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 December 2008, applicant filed the instant submission which was accompanied by,

inter alia, a declaration of the inventor. The indication in the declaration that inventor Keith Seymour is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 22 December 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 22 December 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

28 AUG 2008

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EMCH, SCHAFFER, SCHAUB & PORCELLO, CO., L.PA.
P.O. BOX 916
TOLEDO OH 43697-0916

In re Application of: VOGELE	:	DECISION
U.S. Application No.: 12/084,919	:	
PCT Application No.: PCT/US2006/35213	:	ON
Int. Filing Date: 08 September 2006	:	
Priority Date: 01 November 2005	:	PETITION
Atty Docket No.: 08035/dkt03083A	:	
For: Segmented and Laminated Core Steel Plate for Single and/or Double Sided Wet Clutch Friction Plates or Separator Plates	:	UNDER
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 May 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. Applicant has also submitted the declaration.

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

24 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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24118
HEAD, JOHNSON & KACHIGIAN
228 W. 17TH Place
Tulsa, OK 74119

In re Application of BADYAL *et al* U.S. Application No.: 12/085,000 PCT No.: PCT/GB2006/000763 Int. Filing Date: 03 March 2006 Priority Date: 03 March 2005 Docket No.: BAI525-179/07445 For: METHOD AND APPARATUS FOR PRODUCING A COATING ON A SUBSTRATE	:	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 14 May 2008 is hereby **GRANTED** as follows:

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

The declaration executed by Mr. Luke John Ward contains noninitialed changes with regard to his address and is not accepted. Any changes made in ink must be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* MPEP § 605.04(a). A new declaration by Mr. Ward is required.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

18 SEP 2008

United States Patent and Trademark Office

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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of	:	
Rohlff et al.	:	
App. No.: 12/085,076	:	DECISION
Int. App.: PCT/GB2006/050375	:	
Int. Filing Date: 08 November 2006	:	ON
Priority Date: 08 November 2005	:	
Attorney's Docket No.: 2829-1-003PCT/US	:	PETITION
For: New Protein Isoforms And Uses Thereof	:	

This is in response to applicants' petition filed on 28 May 2008 and supplemental papers filed on 29 August 2008, which are being treated under 37 CFR 1.10(c). No fee is required for this petition.

BACKGROUND

This international application was filed on 08 November 2006 and claimed an earliest priority date of 08 November 2005. The United States was designated. The International Bureau published the international application on 28 June 2007. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 08 May 2008. Applicants filed *inter alia* the basic national fee on 08 May 2008.

DISCUSSION

Petitioner requests that the USPTO "correct the filing date recorded for the above-identified application under 37 C.F.R. §1.10(d). On May 27, 2008 applicant's representative received a returned Postcard setting forth the Application Number and IAP2 Received data. The receipt date on said postcard was 15 May 2008. However, the application was filed by Express Mail on 08 May 2008. Therefore, applicant respectfully requests that the filing date be changed from 15 May 2008 to 08 May 2008." Applicants request treatment under 37 CFR 1.10(d), but the appropriate regulation given the facts of this case is 37 CFR 1.10(c) since petitioner is not alleging USPS error in entering the "date-in"or other official notation.

Under 37 CFR 1.10(c), where a discrepancy can be shown between the filing date accorded to correspondence by the USPTO and the date of deposit as shown as the "date-in" on the "Express Mail" mailing label or other USPS notation, the Commissioner may be petitioned to accord the correspondence a filing date as of the "date-in" or other official USPS notation. The instant petition complies with 37 CFR 1.10(c)(1).

The petition complies with 37 CFR 1.10(c)(2) because an Express Mail mailing label number, EM162575798US, was recorded on the Transmittal Letter which accompanied and itemized the filing of the correspondence and fees in question.

With regard to 37 CFR 1.10(c)(3), counsel has provided a copy of the Customer Copy of the Express Mail mailing label, number EM162575798US, which shows a "Date Accepted" of

"5 8 08." Inspection of the USPS Track & Confirm web page corresponding to the instant Express Mail mailing label number reveals that it reflects "Acceptance" of the parcel on 15 May 2008. Petitioner has provided a letter from the USPS indicating that the Express Mail parcel was delivered on 16 May 2008; the letter is silent on the question of the date of deposit as Express Mail. Based on the totality of the evidence of record, it would be appropriate to conclude that 37 CFR 1.10(c)(3) has been satisfied.

As all of the requirements under 37 CFR 1.10(c) have been satisfied, the correspondence and fees itemized on and accompanying the Transmittal Letter filed on 08 May 2008 (stamped as filed on 15 May 2008), including the basic national fee, will be regarded as filed on 08 May 2008.

DECISION

The petition under 37 CFR 1.10(c) is **GRANTED**, for the reasons described *supra*.

This application is being forwarded to the Office of Patent Application Processing for further processing consistent with this Decision, 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,081	05/15/2008	Giampaolo Pellegatti	FE 6289 (US)	6544

34872 7590 12/28/2009

BASELL USA INC.
NEWTOWN SQUARE CENTER
3801 WEST CHESTER PIKE, BLDG. B
NEWTOWN SQUARE, PA 19703

EXAMINER
KAUCHER, MARK S

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
12/28/2009	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.

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bc

Mailed: 12/28/09

In re application of :
Giampaolo Pellegatti et al. : DECISION ON
Serial No. 12/085,081 : PETITION
Filed: May 15, 2008 :
For: POLYOLEFIN COMPOSITIONS HAVING LOW GLOSS

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION MAILED October 30, 2009.

On April 27, 2009, a non-final Office action was mailed to applicants. The Office action contained the following rejections:

- 35 USC 112, second paragraph, over all claims
- 35 USC 102 (b) over Pelliconi et al. over all claims
- 35 USC 102 (b) over Glogovsky et al. over all claims
- Obviousness-type double patenting rejection over USPN 7,294,674

A reply to the Office action was filed on July 27, 2009. In the reply, applicants amended all of the independent claims, i.e. claims 8 and 12-14.

On October 30, 2009, a final Office action was mailed. All of the previous rejections were withdrawn and the following new grounds of rejection were added:

- 35 USC 112, second paragraph, over newly added claims 15-22
- 35 USC 103 over Cecchin et al.
- 35 USC 103 over Fujii et al.
- 35 USC 103 over Fujii et al. in view of Cecchin et al.

The examiner stated in the Office action that the new ground of rejection was necessitated by Applicant's amendments to the claims and the Office action was made final. On November 30, 2009, the instant petition was timely filed.

DECISION

Section 706.07(a) of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The non-final Office action contained proper art rejections under 35 USC 102(b) over all of the pending claims in view of both Pelliconi et al. and Glogovsky et al., as well as a proper obviousness-type double patenting rejection over US '674. Applicants amended the independent claims to add the limitation that the b^{II} copolymer is an ethylene/propylene copolymer. This limitation overcame all of the art rejections set forth in the non-final Office action. It is argued that because applicants overcame the previous rejection and the now applied prior art was of record at the time the non-final Office action was prepared, it was not proper to make the October 30, 2009 Office action final. It is also argued that because the independent claims were narrowed by amendment, the new grounds of rejection were not necessitated by amendment because the newly applied references were also applicable to the previous broader version of the claims.

This argument is not persuasive. In the instant case, when applicants amended the claims to overcome the prior art, the new grounds of rejection were required. The new rejections were required due to applicants' amendments to the claims. The fact that the newly applied references were also applicable against the broader, previous version of the claims, does not change the fact that applicants' amendment clearly caused it to be applied. Under petitioner's scenario, if a newly cited rejection could not be made final if it was applicable against a previously presented broad claim, then one would be given unlimited attempts to overcome references by amendment until an allowable claim was presented. The only solution would be for the examiner to made multiple, cumulative rejections covering every possible amendment that applicant could make. This contradicts the present final rejection practice and compact prosecution. In the instant case, the examiner had no way of knowing that applicants would choose to amend the claims in the manner they did so as to necessitate a new reference containing the newly presented limitation. As a final point, it is noted that the previous ground of rejection was made under 35 USC 102(b) whereas the new rejection was made under 35 USC 103. Generally speaking, a 35 USC 102(b) rejection is a stronger rejection than a 35 USC 103 so therefore, the examiner made the strongest rejections available in the non-final Office action.

Accordingly, the examiner properly made the October 30, 2009 Office action final. The petition is **DENIED**

_/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

JARROD N. RAPHAEL
BASELL USA INC.
NEWTOWN SQUARE CENTER
3801 WEST CHESTER PIKE, BLDG. B
NEWTOWN SQUARE PA 19703

18 AUG 2008

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SIRIUS STRATEGIC, LLC
6769 W. SHADOW LAKE DR.
LINO LAKES MN 55014

In re Application of	:	
POLLOCK	:	
Application No.: 12/085,109	:	DECISION ON
PCT No.: PCT/US2005/045211	:	
Int. Filing Date: 14 December 2005	:	PETITION UNDER
Priority Date: 16 December 2004	:	
Attorney Docket No.: Pollock-2	:	37 CFR 1.137(b)
For: TOOL AND METHOD FOR ORGANIZING A VERTICALLY STACKED PILE OF ITEMS	:	

This decision is in response to applicants' submission filed 16 May 2008.

BACKGROUND

On 14 December 2005, applicants filed international application PCT/US2005/045211 which designated the U.S. and claimed a priority date of 16 December 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 June 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2007 (16 June 2007 being a Saturday).

On 16 May 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the U.S. Basic National Fee on 16 May 2008.

As to item (2), applicant submitted the petition fee on 16 May 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.

Declaration of Inventors

The declaration of the inventor filed 16 May 2008 is in compliance with 37 CFR 1.497(a)-(b). The published international application lists Linda Pollock as inventor while the declaration of the inventor filed 16 May 2008 lists Linda R. Pollock. Both names are construed to designate the same person. (If this interpretation is incorrect, applicants are required to provide a written notification of this fact to the Office of PCT Legal Administration *immediately*.)

CONCLUSION

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

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

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

/Daniel Stemmer/

Daniel Stemmer
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UNITED STATES PATENT AND TRADEMARK OFFICE

30 MAY 2008

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of SCHWARTZ
Application No.: 12/085,143
PCT No.: PCT/US06/38138
Int. Filing: 29 September 2006
Priority Date: 30 September 2005
Attorney Docket No.: 052959-0045
For: EQUILATERAL FOOT BED AND SYSTEMS HAVING SAME

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

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

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

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 16 May 2008.

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

Telephone: (571) 272-3286
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21 JAN 2010

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Jacobson Holman PLLC
400 Seventh Street N.W.
Suite 600
Washington, D.C. 20004

In re Application of :
HAYNES et al. :
U.S. Application No. 12/085,162 :
PCT No.: PCT/NZ2006/000300 :
Int. Filing Date: 16 November 2006 : DECISION ON REQUEST
Priority Date: 16 November 2005 :
Attorney Docket No.: P70964US1 :
For: FORMING APPARATUS :

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 23 September 2009. Applicants are notifying the Office that the third inventor's name is Gabriel Ioan Giurgiu as indicated on the declaration (filed 21 July 2009) rather than Gabriel Ioan Girdiu as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts in the present petition that "the correct spelling of the third inventor's name is Gabriel Ioan Giurgiu." Applicants' statements are being construed that the spelling error contained in the international application resulted from a typographical or transliteration error; applicants must inform this Office immediately if this is not a proper interpretation of the above statement. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the third inventor's name is accepted and noted for the record. For the reasons above, the request is **GRANTED**.

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

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

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JUN 2 8 2010

OFFICE OF PETITIONS

In re Application of	:	
Takeshi Aizawa	:	
Application No. 12/085,198	:	DECISION GRANTING PETITION
Filed: May 19, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 137091	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 28, 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 June 11, 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 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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0 6 JUN 2008

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00201
UNILEVER PATENT GROUP
800 Sylvan Avenue
AG West S. Wing
Englewood Cliffs, NJ 07632-3100

In re Application of :
MASSARO *et al* :
U.S. Application No.: 12/085,215 :
PCT No.: PCT/EP2006/009502 : **DECISION ON**
Int. Filing Date: 29 September 2006 : **PETITION UNDER**
Priority Date: 28 October 2005 : **37 CFR 1.137(b)**
Attorney Docket No.: J3811(C) :
For: ANTIPERSPIRANT OR DEODORANT :
COMPOSITIONS :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 16 May 2008 is hereby **GRANTED** as follows:

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

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

6/30/09

In re Application of	:
HARADA, MASANORI	: DECISION ON REQUEST TO
Application No. 12/085,224	: PARTICIPATE IN PATENT
Filed: June 24, 2009	: PROSECUTION HIGHWAY
Attorney Docket No. 0216-0528PUS1	: PROGRAM AND PETITION
For: APPARATUS FOR CORRECTING AN INGROWN NAIL	: TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed June 24, 2009 to make the above-identified application special.

The request is **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h) of $130.00 has been paid.

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested document 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 Patricia Bianco, Art Unit 3772, at 571-272-4940.

The application is in pre-exam processing and will be forwarded to the examiner for action on the merits commensurate with this decision.

/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

23 JUN 2008

Commissioner for Patents
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COLLARD & ROE, P.C.
1077 Northern Blvd.
Roslyn, NY 11576

In re Application of :
LEVASHOV *et al* :
U.S. Application No.: 12/085,385 :
PCT No.: PCT/RU2005/000529 :
Int. Filing Date: 28 October 2005 :
Priority Date: 30 June 2005 :
Docket No.: LEVASHOV ET AL - 1 PCT :
For: BIOCOMPATIBLE MULTICOMPONENT NANOSTRUCTURED COATINGS FOR MEDICAL APPLICATIONS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 22 May 2008 is hereby **GRANTED** as follows:

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

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,437	05/23/2008	Atsushi Tsukamoto	5535-0113PUS1	9190

EXAMINER

7590 09/23/2009

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

ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
09/23/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Harmel

Patent Publication Branch
Office of Data Management

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Helmuth Schulz	: DECISION ON REQUEST FOR
Patent Number	: 7632006	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/085,489	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/22/2008	: 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.

06 AUG 2008

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Nanda P.B.A. Kumar
Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia PA 19103

In re Application of	:	
Murtagh et al.	:	
Application No.: 12/085,496	:	
PCT No.: PCT/US2005/025467	:	
Int. Filing Date: 18 July 2005	:	DECISION
Priority Date: 16 July 2004	:	
Attorney Docket No.: 04-40350-US	:	
For: Gonadotropin Releasing Hormone Antagonists	:	:

The petition to revive under 37 CFR 1.137(b) filed on 21 May 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. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **21 May 2008**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 7 JAN 2010

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

In re Application of:
MACDONALD, et al.
U.S. Application No.: 12/085,547
PCT No.: PCT/US2006/045492
International Filing Date: 28 November 2006
Priority Date: 28 November 2005
Attorney's Docket No.: 1034448-000032
For: METHOD AND APPARATUS FOR MINIMALLY INVASIVE DIRECT MECHANICAL VENTRICULAR ACTUATION

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request For Correction of Inventorship Under 37 C.F.R. §1.497(d) filed 11 December 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 November 2006, applicants filed international application PCT/US2006/045492. The application claimed a priority date of 28 November 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 May 2008. The published international application identified a corporate applicant for all states other than the U.S., and three applicant/inventors for the U.S.

On 27 May 2008, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a combined declaration and power of attorney listing and executed by the three inventors identified on the published international application, as well as, a fourth individual, Mark P. Anstadt.

On 18 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 was required as inventor Mark P. Anstadt did not appear on the published international application.

On 11 December 2009, applicants filed the petition considered herein under 37 CFR 1.497(d). The petition seeks to add Mark P. Anstadt to the present application as an additional

inventor. The petition was accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

Where, as here, the filed declaration names an additional inventor who was not identified on the international application, 37 CFR 1.497(d) requires applicant to submit: (1) a statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intent; (2) the processing fee; (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (in the form required by 37 CFR 3.73(b)), and (4) any new oath or declaration required by paragraph (f) of 37 CFR 1.497(d) (it is noted that item (4) does not apply to the present application).

Applicant's present petition satisfies all of the items listed above and therefore it is appropriate to grant the petition at this time.

CONCLUSION

For the reason above, applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship herein is corrected to add Mark P. Anstadt as an additional inventor of record. Based on this correction, the declaration filed 27 May 2008 is now acceptable under 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 May 2008.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

18 DEC 2009

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Quinn Emanuel
Koda & Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017

In re Application of :
HERNANDEZ et al. :
Application No.: 12/085,742 : DECISION ON PETITION
PCT No.: PCT/ES2005/000656 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 30 November 2005 :
Priority Date: None :
Attorney Docket No.: 22067/890A 4146 PCT :
For: LIPID MIXTURE AND USE THEREOF IN THE PREPARATION OF A PRODUCT THAT IS INTENDED FOR ENTERAL OR ORAL ADMINISTRATION

This decision is issued in response to applicants' "Petition Re Application With Inventor Unable to Find or Reach under 37 CFR 1.47(a)" filed 03 November 2009.

BACKGROUND

On 30 November 2005, applicants filed international application PCT/ES2005/000656 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 June 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 May 2008.

On 29 May 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 01 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 29 May 2008.

On 03 November 2009, applicants filed a petition under 37 CFR 1.47(a). The petition seeks acceptance of the application without the signature of joint- inventor, Rosa Ruiz Guerrero.

DISCUSSION

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

Regarding item (2) above, petitioner states that Rosa Ruiz Guerrero cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

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

A review of the present petition and declaration of Maria Dolores Serrano (General Manager of Katry Inversions, S.L.) reveals that applicant has not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor (Rosa Ruiz Guerrero). The petition includes a communication mailed to the nonsigning inventor; however, the mailing of the application papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Additionally, Maria

Dolores Serrano's declaration states she performed a search of the telephone directory, however, no documentary evidence to support the search was provided in the petition. Lastly, the petition relies on evidence directed to the nonsigning inventor, but a firsthand statement from the person (or persons from Joca Ing. Y Construcciones SA) who apparently sent the communication has not been provided.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein.

For the above reasons, it would not be appropriate to accept this application without the signature of Rosa Ruiz Guerrero at this time.

CONCLUSION

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

The Notification of Acceptance of Application mailed 01 July 2009 is hereby **VACATED**.

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

Any further correspondence with respect to this matter 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
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UNITED STATES PATENT AND TRADEMARK OFFICE

06 APR 2010

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Los Angeles, CA 90017

In re Application of HERNANDEZ et al. :
Application No.: 12/085,742 :
PCT No.: PCT/ES2005/000656 :
Int. Filing: 30 November 2005 : DECISION ON PETITION
Priority Date: None : UNDER
Attorney Docket No.: 22067/890A 4146 PCT : 37 CFR 1.47(a)
For: LIPID MIXTURE AND USE THEREOF IN THE PREPARATION OF A PRODUCT THAT IS INTENDED FOR ENTERAL OR ORAL ADMINISTRATION :

This decision is issued in response to applicants' "Response to Decision on Petition under 37 CFR 1.47(a)" filed 22 March 2010. In a decision dated 18 December 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Rosa Ruiz Guerrero, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 22 March 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, Rosa Ruiz Guerrero. The declaration filed 22 March 2010 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 30 November 2005 under 35 U.S.C. 363 and a date of 22 March 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

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

Anthony R

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100721

DATE : July 21, 2010

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7622618

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2009

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

In re Application of PARKER et al.	:
Application No.: 12/085,873	: DECISION ON PETITION
PCT No.: PCT/US06/45933	:
Int. Filing: 30 November 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 30 November 2005	:
Attorney Docket No.: INTM/024	:
For: COMPOSITIONS AND METHODS OF USING siRNA TO KNOCKDOWN GENE EXPRESSION AND TO IMPROVE SOLID ORGAN AND CELL TRANSPLANTATION	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 June 2009, to accept the application without the signature of the joint inventor YANG LU. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 29 May 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 19 December 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 19 June 2009, applicant filed the instant petition along with a declaration. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor YANG LU, alleging that Mr. LU refused to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR

§1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided.

Inventor's Refusal to Sign

With respect to Item (2) above, the first hand statement of Traci Carter, executive assistant and office manager for Intradigm Corporation, indicated that she contacted the nonsigning inventor via email and Federal Express.

On 05 December 2008, Ms. Carter sent Mr. Lu a copy of the PCT publication along with a declaration and assignment document for his signature via Federal Express. However, the Federal Express tracking number on this letter did not match the number on the Federal Express Tracking and Delivery Confirmation.

Again on 01 April 2009, Ms. Carter sent a copy of the pertinent documents via Federal Express. The confirmation of the Federal Express shipment indicated delivery. Ms. Carter did attempt to contact the nonsigning inventor via an active email on 12 June 2009 providing a copy of the above identified application and declaration requesting that he execute the Declaration and return it. Mr. Lu did not reply. See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1]

---

[1] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Here, applicant has provided a firsthand statement, accompanied by supporting documents, demonstrating that a request for signature (accompanied by a copy of the complete application) has been forwarded to the non-signing inventor at his last known address, and that the inventor has failed to provide the requested signature in response to such request. The nonsigning inventor's conduct constitutes a refusal to sign the application papers.

With regard to item (4), applicant submitted three different declarations on 19 June 2009 executed by different inventors. Each declaration is defective as each declaration only identifies two of the six inventors listed on the published application. The declaration must identify all inventors as identified in the published PCT/US06/45933 application, and identify their respective citizenship, residence and mailing address. Thus, the declarations submitted are not in compliance with 37 CFR 1.497 (a) and (b) and are unacceptable. The declarations as executed do not satisfy Item (4). Newly executed declarations, in compliance with 37 CFR 1.497(a) and (b), are required.

From the evidence presented one can conclude that Mr. Lu refuses to sign the application papers. The action taken by petitioner is sufficient to prove that Mr. Lu refuses to sign the application papers.

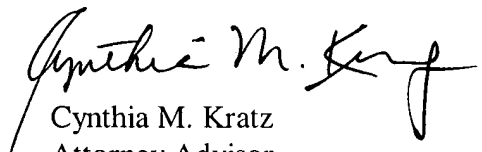
In sum, Petitioner has satisfied Items (1), (2) and (3). A new declaration, in compliance with 37 CFR 1.497(a) and (b) is required to satisfy Item (4). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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



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UNITED STATES PATENT AND TRADEMARK OFFICE

05 OCT 2009

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PATENT DOCKETING 39/361
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NEW YORK NY 10036-8704

In re Application of PARKER et al.	:
Application No.: 12/085,873	: DECISION ON PETITION
PCT No.: PCT/US06/45933	:
Int. Filing: 30 November 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 30 November 2005	:
Attorney Docket No.: INTM/024	:
For: COMPOSITIONS AND METHODS OF USING siRNA TO KNOCKDOWN GENE EXPRESSION AND TO IMPROVE SOLID ORGAN AND CELL TRANSPLANTATION	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 September 2009, to accept the application without the signature of the joint inventor YANG LU.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 12 August 2009 and is hereby incorporated. The decision indicated that the complete declarations of the joint inventors, identifying all the inventors as listed on the published international application, be submitted to meet the requirements of 37 CFR 1.497(a) and (b).

DISCUSSION

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

Applicant previously satisfied Items (1)-(3) above.

With regard to item (4), applicant submitted five complete declarations on 10 September 2009 executed by the joint inventors. The declarations are acceptable as each declaration

identifies all of the six inventors listed on the published application and their respective citizenship, residence and mailing address. The declarations submitted are now in compliance with 37 CFR 1.497 (a) and (b) and are acceptable. The declarations as executed satisfy Item (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 10 September 2009. The application has an international filing date of 30 November 2006 under 35 U.S.C. 363, and a date of 10 September 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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0 5 OCT 2009

YANG LU
17093 BRIARDALE ROAD
ROCKVILLE, MD 20855

In re Application of PARKER et al.
Application No.: 12/085,873
PCT No.: PCT/US06/45933
Int. Filing: 30 November 2006
Priority Date: 30 November 2005
Attorney Docket No.: INTM/024
For: COMPOSITIONS AND METHODS OF USING siRNA TO KNOCKDOWN GENE EXPRESSION AND TO IMPROVE SOLID ORGAN AND CELL TRANSPLANTATION

Dear Mr. Lu:

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

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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ROPES & GRAY LLP
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31 DEC 2009

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Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

In re Application of :
DIXON, Julie, et al. :
Application No.: 12/085,880 :
PCT No.: PCT/US2006/046081 :
Int. Filing Date: 01 December 2006 : DECISION
Priority Date: 02 December 2005 :
Docket No.: 5250 [66616(304795) : ON PETITION UNDER
For: SUBSTITUTED :
4-AMINO-PYRROLOTRIAZINE : 37 CFR 1.47(a)
DERIVATIVES USEFUL FOR :
TREATING :
HYPER-PROLIFERATIVE :
DISORDERS AND DISEASES :
ASSOCIATED WITH :
ANGIOGENESIS :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 September 2009.

BACKGROUND

On 02 February 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 02 September 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

On 27 October 2009, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt, indicating that this application had satisfied the requirements of 35 USC 371.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented

with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. The $200 petition fee has been paid. Applicants state the last known address of Mr. Barton Phillips as 498 Whitney Avenue, Apt. 3D, New Haven, CT 06511; the address of Lei Wang as 300 Merwin Avenue, Apt. C-8, Milford, CT 06460 and the address of Brent Chandler as 225d King Street, Princeton, NJ 08540.

Item (2) has not been satisfied. Applicants must show that the inventors refused to execute the oath or declaration after presentation with a complete copy of the application papers including the declaration or that they could not be reached after a diligent effort. Although applicants have what they believe to be current addresses for each of the inventors, applicants did not send them complete copies of the application, including the declaration by mail. A diligent effort requires at least mailing a letter to the address that one has. Documentary evidence of the presentation should be provided. Further, documentary evidence of the internet searches should be provided.

Item (4) has not been satisfied. The declaration has been pieced together from separately executed documents. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete document as executed by the inventor must be returned to the Office. MPEP 605.04(a).

As this petition is not yet grantable, this application does not include a declaration in compliance with 37 CFR 1.497(a) -(b) and does not satisfy the requirements of 35 USC 371. As such, the Notification of Acceptance and filing receipt issued in error and are hereby vacated.

CONCLUSION

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

The Notification of Acceptance (Form PCT/DO/EO/903) and Filing Receipt mailed 27 October 2009 are **VACATED**.

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

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

6 MAY 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

In re Application of	
DIXON, Julie, et al.	
Application No.: 12/085,880	
PCT No.: PCT/US2006/046081	
Int. Filing Date: 01 December 2006	
Priority Date: 02 December 2005	DECISION
Docket No.: 5250 [66616(304795)	
For: SUBSTITUTED 4-AMINO-PYRROLOTRIAZINE DERIVATIVES USEFUL FOR TREATING HYPER-PROLIFERATIVE DISORDERS AND DISEASES ASSOCIATED WITH ANGIOGENESIS	ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 February 2010.

BACKGROUND

On 31 December 2009, the Office mailed Decision On Petition, dismissing applicants' petition under 37 CFR 1.47(a) and setting a two month period for response.

On 26 February 2010, applicants filed a renewed petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

The petition under 37 CFR 1.47(a) is moot as all of the inventors have been located and are cooperating with the filing.

However, after review, the declaration does not comply with 37 CFR 1.497(a)-(b). The declaration of Lei Wang is missing page 5 and thus fails to state the correct inventive entity. A complete oath or declaration from Lei Wang is required.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Louis C. Paul & Associates
730 Fifth Avenue, 9th Floor
New York, NY 10019

COPY MAILED

JUL 18 2008

In re Application of :
Howard Murad :
Application No. 12/085,906 : DECISION ON PETITION
Filed: None : TO MAKE SPECIAL UNDER
Attorney Docket No. 518-035 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3726 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOUIS C. PAUL
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AUG 10 2009

OFFICE OF PETITIONS

In re Application of
Howard MURAD
Application No. 12/085906
Filed: June 2, 2008
Attorney Docket No. **518-035**

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 2. 2009.

The request is **APPROVED**.

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

The request was signed by Louis C. Paul, the sole attorney of record. Louis C. Paul has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

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

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

cc: **DR. HOWARD MURAD**
2121 ROSENCRANS AVENUE, 5TH FLOOR
EL SEGUNDO, CA 90245

UNITED STATES PATENT AND TRADEMARK OFFICE

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New York, NY 10019

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JUL 18 2008

In re Application of :
Howard Murad :
Application No. 12/085,907 : DECISION ON PETITION
Filed: None : TO MAKE SPECIAL UNDER
Attorney Docket No. 518-036 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2862 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of
Howard MURAD
Application No. 12/085907
Filed: June 2, 2008
Attorney Docket No. **518-036**

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 2. 2009.

The request is **APPROVED**.

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

The request was signed by Louis C. Paul, the sole attorney of record. Louis C. Paul has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

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

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

cc: **DR. HOWARD MURAD**
2121 ROSENCRANS AVENUE, 5TH FLOOR
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CST

SEP 17 2008

In re application of	:	DECISION ON REQUEST TO
Noriaki Shibata	:	PARTICIPATE IN PATENT
Serial No. 12/086,014	:	PROSECUTION HIGHWAY
Filed: June 4, 2008	:	PILOT PROGRAM AND
For: CRYSTAL GLASS ARTICLE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed August 14, 2008.

The request and petition are **DISMISSED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

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

(5) Applicant must submit:

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

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

(6) Applicant must submit:

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

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

The request to participate in the PPH pilot program and petition fail because:

(1) The JPO application with identical claims (Japanese Patent Application No. 2006-553785) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2006-140658) and applicant has not identified the relationship between the JPO application with identical claims and the JPO priority 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 within the time period given, the application with await action in its regular turn.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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CST

DEC 1 2008

In re application of	:	DECISION ON REQUEST TO
Noriaki Shibata	:	PARTICIPATE IN PATENT
Serial No. 12/086,014	:	PROSECUTION HIGHWAY
Filed: June 4, 2008	:	PROGRAM AND
For: CRYSTAL GLASS ARTICLE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed September 23, 2008.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT and TRADEMARK OFFICE

17 JUL 2009

COMMISSIONER FOR PATENTS
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
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In re Application of	:	DECISION ON
Richard J. Davies	:	
Application No.: 12/086,021	:	
PCT No.: PCT/US2006/046570	:	PAPERS FILED
Int. Filing Date: 06 December 2006	:	
Priority Date: 06 December 2005	:	
Attorney's Docket No.: DAVIES 3.3-002 11	:	UNDER 37 CFR 1.42
For: METHOD AND SYSTEM FOR...	:	
TISSUE AND EPITHELIUM	:	

This is a decision on the declaration filed 04 May 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 04 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 12 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 04 May 2009 a declaration indicating that Mary K Davies is the legal representative of the deceased inventor, Richard J. Davies.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Mary K. Davies (legal representatives) and of deceased inventor, Richard J. Davies. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

Thus, the requirements under 35 USC 371(c) are satisfied.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **04 May 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
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UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2009

Commissioner for Patents
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Wendell Ray Guffey
Nestle Purina
Checkerboard Square, 11T
Saint Louis, MO 63164

In re Application of	:	
LARSON, et al.	:	
U.S. Application No.: 12/086,090	:	DECISION ON PETITION
PCT No.: PCT/US2006/048077	:	
Int. Filing Date: 15 December 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 15 December 2005	:	
Attorney Docket No.: NO8022/US/PCT	:	
For: COMPOSITIONS AND METHODS FOR PRESERVING BRAIN FUNCTION	:	

This decision is in response to the applicant's petition under 37 CFR 1.47 filed 08 July 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Samuel T. Henderson.

BACKGROUND

On 15 December 2006, applicant filed international application PCT/US2006/048077 which claimed priority to an earlier application filed 15 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 June 2008.

On 05 June 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 and a preliminary amendment.

On 26 March 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 08 July 2009, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a one-month extension of time and payment of the one-month extension fee.

DISCUSSION

Applicant is advised that the present response contained payment of a one-month extension of time paid by credit card. The Form PCT/DO/EO/905 was mailed on 26 March 2009

setting a two month period for response (26 May 2009). A one-month extension of time would extend the response due date to 26 June 2009. The present response was filed on 08 July 2009; thus a two-month extension of time was required. Applicant has not provided the proper extension of time fee nor authorization to charge this fee to a USPTO deposit account. Applicant's petition indicates that any necessary fees can be charged to the credit card used for payment of the fees accompanying the present petition. However, per USPTO policy a credit card can only be charged the fees specifically detailed on the Form PTO-2038. As explained on the instructions to the form, "The USPTO does **not** accept a general authorization to charge any payment deficiency or any additional fees to a credit card." As such, it is not possible to consider applicant's petition at this time. The period for response to the Form PCT/DO/EO/905 continues to run.

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

Any response to this decision should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." The response must include payment of the appropriate extension of time from 26 May 2009.

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

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

22 OCT 2009

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

Wendell Ray Guffey
Nestle Purina
Checkerboard Square, 11T
Saint Louis, MO 63164

In re Application of	:	
LARSON, et al.	:	DECISION ON PETITION
Serial No.: 12/086,090	:	
PCT No.: PCT/US2006/048077	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 15 December 2006	:	
Priority Date: 15 December 2005	:	
Atty Docket No.: NO8022/US/PCT	:	
For: COMPOSITIONS AND METHODS FOR PRESERVING BRAIN FUNCTION	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 25 August 2009 to accept the application without the signature of joint inventor Samuel T. Henderson.

BACKGROUND

On 06 August 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) as the extension of time petition fee payment which accompanied the petition was insufficient.

On 25 August 2009, applicant filed the present renewed petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Samuel T. Henderson. The petition is accompanied by a petition for a three-month extension of time and payment of the appropriate extension of time fee. The 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.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor

for signature." 409.03(d) also states that:

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

A review of the present petition reveals that petitioner has not provided firsthand evidence as to the documented attempts to present the application papers (specification, claims, and drawings) to Samuel T. Henderson. The present petition is signed by the other inventors in the application; however it does appear that they have firsthand knowledge of the actions of Ms. Tina Marlow and Mr. Wendell Ray Guffey, esq. In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate it is especially important to provide proof of delivery of the papers, as well as, a firsthand statement of the preparation and mailing of the papers.

In 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**.

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 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.

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

06 JAN 2010

Commissioner for Patents
United States Patent and Trademark Office
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WENDELL RAY GUFFEY
NESTLE PURINA PETCARE GLOBAL RESOURCES, INC.
1 CHECKERBOARD SQUARE
11-T
ST. LOUIS MO 63164

In re Application of:	
LARSON, et al.	DECISION ON RENEWED
U.S. Application No.: 12/086,090	PETITION UNDER
PCT No.: PCT/US2006/048077	37 CFR 1.47(a)
International Filing Date: 15 December 2006	
Priority Date: 15 December 2005	
Attorney's Docket No.: NO8022/US/PCT	
For: COMPOSITIONS AND METHODS FOR PRESERVING BRAIN FUNCTION	

This decision is issued in response to the renewed petition under 37 CFR 1.47(a) filed 04 December 2009. No additional petition fee is required.

BACKGROUND

The procedural background for this application is set forth in the decision mailed by this Office on 22 October 2009. In that decision, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted an adequate showing that the complete application papers and a request for signature have been delivered to the non-signing inventor at his last known address, and that the inventor has refused to execute the application papers.

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

DISCUSSION

With respect to the non-signing inventor's refusal to sign the declaration, the renewed petition includes a statement from Tina Marlow which demonstrates that: (1) a copy of the application, with a request for signature was delivered to the non-signing inventor at his last known address on 31 March 2009 and (2) that no response to the 31 March 2009 delivery was received from the non-signing inventor. These materials, in combination with those filed with the original petition, provide an acceptable showing that the non-signing inventor has been presented with a copy of the application and has refused to execute the declaration.

CONCLUSION

Based on the above, applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Samuel T. Henderson.

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

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 July 2009.

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

06 JAN 2010

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

Samuel T. Henderson
2110 W. 10th Avenue
Broomfield, CO 80020

In re Application of:
LARSON, et al.
U.S. Application No.: 12/086,090
PCT No.: PCT/US2006/048077
International Filing Date: 15 December 2006
Priority Date: 15 December 2005
Attorney's Docket No.: NO8022/US/PCT
For: COMPOSITIONS AND METHODS FOR PRESERVING BRAIN FUNCTION

Dear Dr. Henderson:

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

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

Derek A. Putonen
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Counsel Of Record:
NESTLE PURINA PETCARE GLOBAL RESOURCES, INC.
1 CHECKERBOARD SQUARE
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10 JUN 2008

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02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of
LEE *et al*
U.S. Application No: 12/086,140
PCT No.: PCT/KR2007/001392
Int. Filing Date: 22 March 2007
Priority Date: 26 March 2006
Attorney Docket No.: 3449-0871PUS1
For: LIGHT-EMITTING DEVICE AND METHOD FOR MANUFACTURING THE SAME

DECISION

This decision is in response to the papers filed 13 March 2008 which are treated as a petition under 37 CFR 1.182. The $400 petition fee has been submitted.

BACKGROUND

On 13 November 2007, applicants submitted an application via the USPTO Electronic Filing System-Web (EFS-Web) portal. The documents included a "Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission" (Form PTO-1390) that identified the application as a U.S. national stage of PCT/KR2007/001392, filed 22 March 2007. However, during the electronic filing process, applicants identified the application as an "International Application for filing in the U.S. receiving office."

Based on USPTO processing procedures and the information provided by applicants during the electronic filing process, the application file was initiated in the USPTO PALM system as an international application and assigned international application number PCT/US2007/084555.

On 13 March 2008, applicants filed the subject petition requesting that the application be treated as a national stage application of PCT/KR2007/001392, filed under 35 U.S.C. 371.

DISCUSSION

As noted above, the data provided by applicants incorrectly identified the "type of new application" as an "International Application for filing in the US receiving office." Correction of this error is required before the materials filed 13 November 2007 can be

treated as having been the U.S. national stage of international application PCT/KR2007/001392, as would be necessary to avoid abandonment of the international application with respect to the United States.

In the present petition, applicants confirm that the listing of the present application as an "International Application for filing in the US receiving office" was the result of an inadvertent error, and that it was applicants' intent to file a U.S. National Stage Application under 35 U.S.C. 371. As noted above, applicants' submission included a Transmittal Letter (Form PTO-1390) identifying the application as a U.S. national stage of PCT/KR2007/001392. With the payment of the petition fee required to correct the above error and the statement of clarification, the materials submitted satisfy the requirements for a grantable petition to correct applicants' error.

Accordingly, the materials filed on 13 November 2007 will be treated as a request for entry into the U.S. national stage for PCT/KR2007/001392. The $930.00 in fees paid in PCT/US2007/084555 have been transferred to the above-captioned application.

CONCLUSION

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

The materials filed 13 November 2007 have been assigned U.S. application number **12/086,140**. These materials will be treated as a request for entry into the U.S. national stage for PCT/KR2007/001392 as of the 13 November 2007 filing date of such materials (it is noted that this date is prior to the expiration of thirty months from the priority date).

International application number PCT/US2007/84555 will be discontinued.

All future correspondence herein should be directed to U.S. application number **12/086,140**.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JAN 2009

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of LEGRO et al	:	
U.S. Application No.: 12/086,158	:	
PCT Application No.: PCT/NL2006/000621	:	
Int. Filing Date: 07 December 2006	:	DECISION
Priority Date Claimed: 07 December 2005	:	
Attorney Docket No.: 2183-9002US	:	
For: MODIFIED ACTIVE-INGREDIENT-CONTAINING PELLETS/CAPSULES	:	

This is in response to applicant's "Petition Under 37 C.F.R. 1.10(e)" filed 04 December 2008.

BACKGROUND

On 07 December 2006, applicant filed international application PCT/NL2006/000621, which claimed priority of an earlier European Patent Office application filed 07 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 June 2008.

On 06 June 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 04 December 2008, applicant filed the present petition under 37 CFR 1.10(e).

DISCUSSION

A review of the application file reveals that the national stage papers were received on 06 June 2008 and assigned U.S. Application Number 12/086,158.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.10(e) is DISMISSED AS MOOT

The application has an International Filing Date under 35 U.S.C. 363 of 07 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 December 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

Docket No.: C1289.70000US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Francisco Javier Perez Correa et al.
Serial No.:	12/086,162
Confirmation No.:	5627
Filed:	June 6, 2008
For:	ETHANOLIC AND/OR AQUEOUS COMPOSITION OF AN AMMONIACAL SOLUTION OF ALKALINE METAL SALTS OF AZIDE, MAINLY SODIUM AND POTASSIUM
Examiner:	Not Yet Assigned
Art Unit:	N/A

Certificate of Electronic Filing Under 37 CFR 1.8
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).
Dated: Aug 5, 2009 Signature: Judy Kelley

PETITION UNDER 37 C.F.R. 1.57(a)

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

Dear Sir:

Applicant hereby petitions under 37 C.F.R. 1.57(a) to add inadvertently omitted material to the above-identified application, which is a National Stage Application under 35 USC 371 of International Application No PCT/IB2006/003858, filed December 6, 2006, which includes a claim under 37 CFR 1.55 of priority to Chilean Application No. 3195-2005, filed December 7, 2005.

The present application was filed as a National Stage Application as denominated on the Application Data Sheet and the Application Transmittal. A copy of the non-English text of the priority application is enclosed. Inadvertently, Figures 1-3 present in the priority application were not included in the International Application. The claim of priority to Chilean Application No.

3195-2005 was present as of the filing date of the International Application, as required by 37 CFR 1.57(a), as evidenced by page 3 of the enclosed copy of the PCT Request Form filed with the International Application on 6 December 2006. The omitted drawings were completely contained in the prior-filed application. Specifically, Figure 1 and its caption can be found on page 4 of the specification of the attached priority application; Figure 2 and its caption can be found on page 5 of the specification of the attached priority application; and Figure 3 and its caption can be found on page 6 of the specification of the attached priority application. An English language copy of the prior application is herewith enclosed. Applicant has amended the application to add the drawings, as required in 37 C.F.R. 1.57(a)(1) and a brief description of same corresponding to the figure captions in the priority application via the enclosed Preliminary Amendment. Such amendment is not new matter.

Dated: August 5, 2009

Respectfully submitted,

By _____

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15 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LIU & LIU
444 S. FLOWER STREET, SUITE 1750
LOS ANGELES CA 90071

In re Application of	:	
RUITER	:	
Application No.: 12/086,169	:	DECISION
PCT No.: PCT/IB2006/054542	:	
Int. Filing Date: 01 December 2006	:	
Priority Date: 07 December 2005	:	
Attorney's Docket No.: 1217/225	:	
For: PIEZOELECTRIC SPEAKER	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 07 April 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2006, applicants filed international application PCT/IB2006/054542, which designated the U.S. and claimed a priority date of 07 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 June 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 June 2008 (07 June 2008 being a Saturday).

On 05 June 2008, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 04 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee within 30 months of the priority date.

On 07 April 2009, applicants filed the instant 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 basic national fee was submitted on 07 April 2009.

As to item (2), applicants submitted the petition fee on 07 April 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.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

24 OCT 2008

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COVINGTON & BURLING, LLP
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 2004-2401

In re Application of:
MILOT, Guy, et al.
U.S. Application No.: 12/086,184
PCT No.: PCT/CA2006/001963
International Filing Date: 30 November 2006
Priority Date: 30 November 2005
Atty Dkt No.: 015332.1006-US03
For: LYSME-BASED PRODRUGS OF ASPARTYL PROTEASE INHIBITORS AND PROCESSES FOR THEIR PREPARATION

DECISION ON PETITIONS
(37 CFR 1.137(a) and (b))

This decision is issued in response to applicants' "Petition For Revival Of An Application Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 06 June 2008 and the "Petition For Revival Of An Application Abandoned Unavoidably Under 37 CFR 1.137(a)" filed on 27 June 2008. Applicants have paid the required petition fees.

BACKGROUND

On 30 November 2006, applicants filed international application PCT/CA2006/001963. The international application claimed a priority date of 30 November 2005, and it designated the United States. On 07 June 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for national stage entry and submission of the basic national fee was thirty months from the priority date, i.e., 30 May 2008.

Applicants did not request entry into the U.S. national stage and submit payment of the U.S. basic national fee prior to the expiration of the thirty month deadline. Accordingly, international application PCT/CA2006/001963 became abandoned with respect to the U.S. at midnight on 30 May 2008.

On 06 June 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States for international application PCT/CA2006/001963 accompanied by, among other materials, payment of the basic national fee and the petition for revival under 37 CFR 1.137(b) considered herein. The materials were assigned U.S. application number 12/086,184.

On 27 June 2008, applicants filed a second submission requesting entry into the national stage in the United States for international application PCT/CA2006/001963 accompanied by,

among other materials, payment of the basic national fee and the petition for revival under 37 CFR 1.137(a) considered herein. The petition asserts that the delay in filing the present U.S. national stage application was "unavoidable" under 37 CFR 1.137(a). These materials were initially assigned a separate U.S. application number, 12/087,247. However, because there can only be a single U.S. national stage application for a given international application, the materials filed 27 June 2008 have been placed in application number 12/086,184, which will continue to be processed as the U.S. national stage of PCT/CA2006/001963.[1]

DISCUSSION

1. Petition For Revival Under 37 CFR 1.137(a) (Unavoidable delay)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must include (1) an adequate verified showing of the cause of unavoidable delay, (2) a proper response, unless already filed, (3) the applicable petition fee, and (4) by a terminal disclaimer, if necessary.[2] The present petition fails to satisfy item (1).

With respect to item (1), the materials provided by applicants indicate that petitioner intended for the national stage application to be timely filed but that, despite preparations for such filing, the materials were not in fact filed. The petition asserts that the failure to timely file the present national stage application was "analogous to the example provided in the MPEP of unavoidable delay resulting from a docketing error." Section 711.03(c)(2), of the MPEP states the following regarding such an assertion:

> A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:
>
> (A) the error was the cause of the delay at issue;
>
> (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
>
> (C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

The statements provided with the present petition indicate that instructions for timely filing the national stage application were issued by the attorneys herein and that the actual filing of the application papers was to be carried out by attorney Jessica L. Parezzo and/or paralegals Tara McKinley and Karen Ashton. A statement from Ms. Parezzo has been provided which indicates that, after the expiration of the 30 May 2008 deadline, Ms. Parezzo "was surprised to discover that, despite our reminders and confirmations," the U.S. national stage application had not been timely filed. However, the statements provided do not indicate what specific error

---

[1] Duplicative U.S. application number 12/087,247 will be discontinued, and the duplicative fees submitted therein will be refunded to petitioner's Deposit Account.

[2] It is noted that the terminal disclaimer element does not apply to the present application.

resulted in the failure to timely file the application (e.g., was it a docketing error, a miscommunication, etc.), and statements have not been provided from the two paralegals involved in the filing, who would presumably have firsthand knowledge as to the specific cause of the error. Petitioner has also failed to supply statements and documentary support to confirm (among other relevant issues) that the paralegals involved were adequately trained, experienced, and supervised, and that petitioner had in place adequate safeguards to avoid an error such as that which occurred herein. Based on the above, applicants have failed to provide the materials required to satisfy the stringent standards applied with respect to a determination of unavoidable delay. Item (1) of a grantable petition under 37 CFR 1.137(a) is therefore not satisfied on the present record.

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a), the petition is properly dismissed.

2. Petition For Revival Under 37 CFR 1.137(b) (Unintentional)

As noted above, applicants have also submitted a petition for revival of an unintentionally abandoned application under 37 CFR 1.137(b). 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).[3]

The petition for revival under 37 CFR 1.137(b) was accompanied by the necessary petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" which, coupled with the explanatory statements submitted with the petition under 37 CFR 1.137(a), satisfies the requirement of 37 CFR 1.137(b)(3).

Based on the above, applicants have submitted all the requirements for a grantable petition under 37 CFR 1.137(b). Accordingly, the request to revive the international application under 37 CFR 1.137(b) is appropriately granted.

CONCLUSION

The petition to revive the international application with respect to the United States under 37 CFR 1.137(a) is **DISMISSED** without prejudice.

The petition to revive the international application with respect to the United States under 37 CFR 1.137(b) is **GRANTED**.

The petition for revival under 37 CFR 1.137(a), and the duplicative national stage materials filed therewith on 27 June 2008 (initially assigned U.S. application number

[3] It is noted that the terminal disclaimer element does not apply to the present application.

12/087,247) will be placed in the present application file, 12/086,184, and this application file will continue to be processed as the U.S. national stage under 35 U.S.C. 371 of international application PCT/CA2006/001963.

All further communication with respect to the present national stage application should be directed to U.S. application number 12/086,184.

The duplicative national stage filing fees submitted by applicants on 27 June 2008 will be refunded to petitioner's Deposit Account.

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

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17 JUL 2009
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WASHINGTON, D.C. 2004-2401

In re Application of:	
MILOT, Guy, et al.	DECISION ON RENEWED PETITION
U.S. Application No.: 12/086,184	(37 CFR 1.137(a))
PCT No.: PCT/CA2006/001963	
International Filing Date: 30 November 2006	
Priority Date: 30 November 2005	
Atty Dkt No.: 015332.1006-US03	
For: LYSME-BASED PRODRUGS OF ASPARTYL PROTEASE INHIBITORS AND PROCESSES FOR THEIR PREPARATION	

This decision is issued in response to applicants' "Request For Reconsideration Of Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)" filed 26 May 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present national stage application was set forth in the decision mailed on 24 October 2008. The decision dismissed applicant's petition under 37 CFR 1.137(a) for revival of an international application abandoned unavoidably based on applicant's failure to satisfy all requirements of a grantable petition. However, the decision granted applicant's petition under 37 CFR 1.137(b) for revival of an international application abandoned unintentionally.

On 26 May 2009, applicant filed the "Request For Reconsideration Of Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)" considered herein.[1]

DISCUSSION

The present submission requests a finding that the entire delay herein was unavoidable, as required for a grantable petition for revival under 37 CFR 1.137(a). However, pursuant to the decision mailed herein on 24 October 2008, international application PCT/CA2006/001963 has already been revived pursuant to applicant's separate petition for revival under 37 CFR 1.137(b).

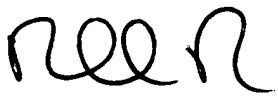
[1] The present submission was accompanied by an unnecessary fee for a five-month extension of time. This fee will be refunded to Deposit Account No. 50-2104.

Based on the previously granted revival of the international application, applicant's alternative petition for revival of the same international application under 37 CFR 1.137(a) is now moot. Accordingly, the present materials requesting reconsideration of the moot petition for revival under 37 CFR 1.137(a) have been placed in the application, but such materials have not been considered on the merits.

CONCLUSION

The "Request For Reconsideration Of Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)" is **DISMISSED AS MOOT**.

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 and the decision mailed 24 October 2008, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not submitted an executed oath or declaration in compliance with 37 CFR 1.497.



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24 SEP 2008

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James E. Howard
BSH Home Appliances Corporation
Intellectual Property Department
100 Bosch Boulevard
New Bern, NC 28562

In re Application of:	:	
Johannes Busing et al.	:	DECISION
Application No.: 12/086,201	:	
PCT Application No.: PCT/EP06/66968	:	ON PETITION
Int. Filing Date: 02 October 2006	:	
Priority Date: 06 October 2005	:	UNDER
Atty Docket No.: 2005P01681WOUS	:	
For: DOMESTIC APPLIANCE, IN PARTIUCLAR FITTED DOMESTIC APPLIANCE WITH A CONTROLLABLE OPERATING DISPLAY	:	37 CFR 1.137(b)

Applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 05 June 2008 is **GRANTED**.

BACKGROUND

On 02 October 2006, applicants filed international application PCT/EP06/66968. The international application claims a priority date of 06 October 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 06 April 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 06 April 2008.

On 05 June 2008, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

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

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

CONCLUSION

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

The application has an international filing date of 02 October 2006 under 35 U.S.C. 363 and a date of 05 June 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

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23 SEP 2008

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CHICAGO IL 60606

In re Application of: PRELAS	:	DECISION
U.S. Application No.: 12/086,219	:	
PCT Application No.: PCT/US2006/041447	:	ON
Int. Filing Date: 25 October 2006	:	
Priority Date: 25 October 2005	:	PETITION
Atty Docket No.: 2114.68735	:	
For: MICRO-SCALE POWER SOURCE	:	UNDER
	:	
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has submitted the requisite petition fee, the required reply in the form of the basic national fee under 35 U.S.C. 371, and the required statement of unintentional delay.

Therefore, the request to revive the application, abandoned under 35 U.S.C. 371(d), 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
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Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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0 1 JUL 2008

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In re Application of GANGOPADHYAY et al.
Application No.: 12/086,263
PCT No.: PCTUS06/41690
Int. Filing: 27 October 2006
Priority Date: 28 October 2005
Attorney Docket No.: 2114.76829
For: RAPID HEATING WITH NANOENERGETIC MATERIALS

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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United States Patent and Trademark Office

17 JUN 2009

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JACOBSON HOLMAN PLLC
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WASHINGTON DC 20004

In re Application of JUNKER
Application No.: 12/086,301
PCT No.: PCT/EP2006/008324
Int. Filing Date: 24 August 2006
Priority Date: 13 December 2005
Attorney Docket No: P72591US0
For: WOODEN BUILDING ELEMENT FOR CONSTRUCTING THE WALLS OF A BUILDING

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181" filed in the United States Patent and Trademark Office (USPTO) on 14 April 2009.

BACKGROUND

On 24 August 2006, applicant filed international application PCT/EP2006/008324. The international application claimed a priority date of 13 December 2005 and designated the United States. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 June 2008.

On 10 June 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application as required by 35 U.S.C. 371(c)(2), and a preliminary amendment.

One 19 March 2009, the USPTO mailed a "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE" (Form PCT/DO/EO/905), requiring a proper translation of the international application into English, including drawings with translated text, and a processing fee of $130 for the provision of a proper translation later than 30 months from the earliest priority date.

On 14 April 2009, applicant filed the current petition pursuant 37 CFR 1.181 requesting withdrawal of the requirement for translating the drawings and payment of the processing fee, accompanied by, inter alia.: a substitute set of drawings.

DISCUSSION

Rule § 49.5 states in relevant part:

> (a) For the purposes of Article 22, the translation of the international application shall contain the description (subject to paragraph (a-*bis*)), the claims, any text matter of the drawings, and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (c-*bis*) and (e),
>
> (i) contain the request,
>
> (ii) if the claims have been amended under Article 19, contain both the claims as filed and the claims as amended, and
>
> (iii) be accompanied by a copy of the drawings.
>
> (d) If any drawing contains text matter, the translation of that text matter shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew.
>
> (e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22, invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.
>
> (f) The expression "Fig." does not require translation into any language.

The drawings submitted by applicant on 10 June 2008 included the word "Figur." As provided for in Rule 49.5 (f), the expression "Fig." does not require translation; however, if any drawing contains text matter, including the word "Figur" in the instant application, the translation of that text matter is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.181 is **DISMISSED**.

This application is being referred to National Stage Processing (DO/EO/US) for consideration of applicant's response to the Notice of Missing Requirements mailed on 19 March 2009 and preparation of a Notice of Acceptance (Form PCT/DO/EO/903).

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Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

- 5 FEB 2010

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Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
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In re Application of	:	
TAMBURINI, Paul, et al.	:	
Application No.: 12/086,320	:	
PCT No.: PCT/US2006/047445	:	
Int. Filing Date: 12 December 2006	:	DECISION
Priority Date: 12 December 2005	:	
Attorney Docket No.: 5265 [66475(303981)	:	
For: ANTI-MN ANTIBODIES AND METHODS OF USING SAME	:	

This decision is in response to applicants' Reply to Notification of Defective Response, filed with the United States Patent and Trademark Office on 13 January 2010. It is being treated as a petition under 37 CFR 1.181 to vacate the Notification of Defective Response.

BACKGROUND

On 16 September 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 23 November 2009, applicants submitted, *inter alia*, a declaration of the inventors.

On 18 December 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was not in compliance with 37 CFR 1.497(a)-(b) as it listed an inventor who was not listed on the international application.

DISCUSSION

The inventorship in an international application is set during the international phase. Under 37 CFR 1.41(a)(4), the inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The international application lists six inventors, including Sha Ha, who was added under PCT Rule 92*bis*.

The Notification of Defective Response mailed 18 December 2009, issued in error and is **VACATED**.

CONCLUSION

For the reasons discussed above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 18 December 2009 is **VACATED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

15 SEP 2008

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CANADA

In re Application of	:	
SEGALL et al.	:	
Application No.: 12/086,339	:	DECISION
PCT No.: PCT/CA2006/001553	:	
Int. Filing Date: 21 September 2006	:	
Priority Date: 21 September 2005	:	
Attorney Docket No.: 7865-355 MIS	:	
For: PRODUCTION OF CANOLA PROTEIN	:	
ISOLATE INVOLVING ISOELECTRIC	:	
PRECIPITATION	:	

This decision is in response to applicants' submission filed 11 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 September 2006, applicant filed international application PCT/CA2006/001553 which designated the U.S. and claimed a priority date of 21 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 March 2008.

On 11 June 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 11 June 2008.

As to item (2), applicant submitted the petition fee on 11 June 2008.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

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COLLARD & ROE, P.C.
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ROSLYN NY 11576

MAILED

JUL 16 2009

OFFICE OF PETITIONS

Applicant: Gharda, et al.
Application. No.: 12/086,359
International Filing Date: April 25, 2006
Title: PROCESS FOR THE PREPARATION OF FIPRONIL, AN INSECTICIDE, AND RELATED PYRAZOLES
Attorney Docket No.: GHARDA ET AL - 1 PCT
Pub. No.: US 2009/0030211 A1
Pub. Date: January 29, 200

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 17, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material in the front page, wherein the abstract includes an error in the chemical formula.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the front page as the wrong abstract was published.

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

The error in the abstract may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error in the abstract is not a material error as it does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent

[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).

application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The error is due to the quality of the text, which is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). As set forth at MPEP 1121, applications with poor quality text, which may be acceptable for examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b). Further note that the superscript error in the abstract is not material when viewed in light of the correct representation elsewhere in the disclosure.

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

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

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

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

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

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/086,413	09/15/2008	Shinji Arinaga	TMP-001	7713

32628 7590 02/18/2010

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EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
02/18/2010	PAPER

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

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

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In re Application of :
ARINAGA, SHINJI et al :
Application No. 12/086,413 :
Filed: Sep. 15, 2008 :
Attorney Docket No. TMP-001 :
Title: LIGHTNING PROTECTION DEVICE OF WINDMILL BLADE

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 23, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy

resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) #1. In regard to item 1, petitioner should note that this application has been classified in an area (USPC 416/146) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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23 JUL 2008

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In re Application of MEYERS et al :
U.S. Application No.: 12/086,468 :
PCT Application No.: PCT/US2005/043942 : DECISION
Int. Filing Date: 01 December 2005 :
Priority Date Claimed: none :
Attorney Docket No.: C-3714 :
For: EVAPORATIVE COOLING OF FUEL :
CELLS EMPLOYING ANTIFREEZE SOLUTION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 12 June 2008.

BACKGROUND

On 01 December 2005, applicant filed international application PCT/US2005/043942. The thirty-month period for paying the basic national fee in the United States expired on 01 June 2008.

On 02 June 2008, international application PCT/US2005/043942 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 June 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

With regard to item (2), applicant has provided the required petition fee.

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 01 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 June 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

2 3 SEP 2008

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COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of: GUNTHER	:	DECISION
U.S. Application No.: 12/086,549	:	
PCT Application No.: PCT/US2006/036681	:	ON
Int. Filing Date: 19 September 2006	:	
Priority Date: 19 September 2005	:	PETITION
Atty Docket No.: 0922/75149-PCT-US	:	
For: EXTREME SPEED-UP OF ACQUISITION OF PERFUSION TIME SERIES BY CYCLED ARTERIAL SPIN LABELING MRI	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has submitted the requisite petition fee, the required reply in the form of the basic national fee under 35 U.S.C. 371, and the required statement of unintentional delay.

Therefore, the request to revive the application, abandoned under 35 U.S.C. 371(d), 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

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/086,659	06/17/2008	Jean-Xavier Morin	V05/002-0	1679

226 7590 02/19/2010

ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR, CT 06095

EXAMINER	
ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

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ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR CT 06095

FEB 19 2010

In re Application of :
Morin et al. : DECISION ON PETITION
Application No. 12/086,659 : TO MAKE SPECIAL UNDER
Filed: 6/17/2008 : THE GREEN TECHNOLOGY
Attorney Docket No. **V05/002-0** : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 422/142.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

03 SEP 2008

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of	:	
ABU-SALIH	:	DECISION ON PETITIONS
U.S. Application No.: 12/086,677	:	
PCT No.: PCT/IL04/00856	:	UNDER 37 CFR 1.181
Int. Filing Date: 19 September 2004	:	
Priority Date: 18 September 2003	:	AND 1.137(b)
Attorney Docket No.: P-8740-US	:	
For: ELECTROSTATIC MODULATION OF SURFACE ROUGHNESS	:	

This decision is in response to applicant's "Petition Under 37 CFR 1.181" filed 16 June 2008 in the United States Patent and Trademark Office (USPTO) to accept the copy of the underlying petition to revive originally filed on 11 April 2006.

BACKGROUND

On 19 September 2004, applicant filed international application PCT/IL04/00856, which claimed priority of an earlier application filed 18 September 2003. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 24 March 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 18 March 2006.

On 16 June 2008, applicant filed the present petition under 37 CFR 1.181 to accept the filed copy of a petition to revive pursuant to 37 CFR 1.137(b) originally filed on 11 April 2006.

DISCUSSION

I. Petition Under 37 CFR 1.181

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Applicant's filing includes a copy of a date-stamped postcard receipt. The postcard identifies the application by applicant, title and docket number. Among the items listed on the receipt with checked boxes are: Petition to Revive; Unsigned Declaration & Power of Attorney and Transmittal Sheet for Entering National Phase." The receipt is stamped "OIPE IAP40 Patent & Trademark Office APR

11 2006." Thus, it is clear that applicant filed these items on 11 April 2006. Applicant has certified that the presently filed papers are true and complete copies of the originals filed 11 April 2006. As such, it is proper to accept the papers filed on 16 June 2008 as having been filed 11 April 2006. Thus, it is proper to grant applicant's petition under 37 CFR 1.181.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 April 2006 in the above-captioned application is hereby **GRANTED** as follows:

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

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

CONCLUSION

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

Applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

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

Derek A. Putonen
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

09 JUL 2008

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David J. Gaskey
Carlson, Gaskey & Olds
400 W. Maple Road, Suite 350
Birmingham MI 48009

In re Application of:
LENCE-BARRIERO, Juan, A.
U.S. Application No.: 12/086,714
PCT No.: PCT/US2005/025527
International Filing Date: 18 July 2005
Atty Ref: 60469-423PUS1; PA00005600-US
For: REMOTELY PERFORMED AND/OR ASSISTED RESTORATION OF ELEVATOR SERVICE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 18 June 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 18 January 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due 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.

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

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

MAILED

MAY 25 2010

OFFICE OF PETITIONS

Applicant: Jackie Y. Ying, et al.
Appl. No.: 12/086,716
International Filing Date: January 20, 2006
Title: LUMINESCENT METAL OXIDE FILMS
Attorney Docket: S1507.70009US01
Pub. No.: US 2009/0186419 A1
Pub. Date: July 23, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 21, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the specification wherein paragraph 0054 the word "chromophore" was misprinted as "cluomophore" and the word "article" was misprinted as "particle" in claim 28.

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

The errors noted by requester with respect to the error in the specification and in claim 28 may be an Office errors but they are material Office errors under 37 CFR 1.221(b). The errors are typographical errors and the words are printed correctly elsewhere, thus one of ordinary skill can read and understand the content of the application and claims. The errors do not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 OCT 2009

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of ROSENAU et al :
U.S. Application No.: 12/086,748 :
PCT Application No.: PCT/EP2006/070161 :
Int. Filing Date: 22 December 2006 :
Priority Date Claimed: 23 December 2005 :
Attorney Docket No.: 137470 : DECISION
For: MOISTURE-CURING HOTMELT :
ADHESIVES COMPRISING AT LEAST :
ONE SILANE-FUNCTIONAL :
POLYURETHANE PREPOLYMER :

This is in response to applicant's petition under 37 CFR 1.182 filed 18 May 2009.

BACKGROUND

On 22 December 2006, applicant filed international application PCT/EP2006/070161, which claimed priority of an earlier European Patent Office application filed 23 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 23 June 2008.

On 19 June 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 18 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 May 2009, applicant filed an executed declaration along with the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the first listed inventor has changed from "Sven Krause" to "Sven Rosenau".

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

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

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition is accompanied by the requisite petition fee and a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 22 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 May 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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0 3 FEB 2010

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Clark & Elbing LLP
101 Federal Street
Boston MA 02110

In re Application of	:	
YUAN et al.	:	
Application No.: 12/086,792	:	DECISION ON PETITION
PCT No.: PCT/US2006/048583	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 December 2006	:	
Priority Date: 20 December 2005	:	
Attorney Docket No.: 00742/220003	:	
For: COMPOUNDS, SCREENS, AND METHODS OF TREATMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 17 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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 required reply (sequence listing) 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 PCT Legal Administration
Tel.: 571-272-3298

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15 OCT 2009

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

In re Application of	:	
SCHLUTER (Deceased)	:	DECISION ON
Application No.: 12/086,793	:	
PCT No.: PCT/EP06/11844	:	REQUEST
Int. Filing Date: 08 December 2006	:	
Priority Date: 22 December 2005	:	UNDER 37 CFR 1.42
Attorney Docket no.:1-50249	:	
For: BRAKE-FORCE GENERATING DEVICE FOR A HYDRAULIC VEHICLE BRAKE SYSTEM..	:	

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 24 November 2008.

BACKGROUND

On 19 June 2008, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 29 September 2008, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 24 November 2008, applicant filed an executed declaration identifying only the legal representatives of the deceased inventor Peter Schluter.

On 09 September 2009, a Notification of Acceptance was mailed to applicant indicating, *inter alia*, that the 35 U.S. C. 371(c)(1), (c)(2) and (c)(4) date as 24 November 2008.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for

and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 24 November 2008 identifies as the legal representatives of the deceased inventor. However, the declaration fails to identify the deceased inventor and state his country of citizenship, residency and mailing address. The declaration as submitted does not meet the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

Because the declaration as submitted is not acceptable, the requirements of 35 U.S.C. 371(c) have not been met. Thus, 09 September 2009 Notification of Acceptance is hereby vacated.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**. The 09 September 2009 Notification of Acceptance is hereby **VACATED**.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 DEC 2008

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
SCHLUTERMANN, et al.	:	
U.S. Application No.: 12/086,827	:	DECISION ON PETITION
PCT No.: PCT/EP06/12134	:	
Int. Filing Date: 15 December 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 16 December 2005	:	
Attorney Docket No.: 1500-006	:	
For: ORAL PREPARATION WITH CONTROLLED RELEASE	:	

The petition to revive under 37 CFR 1.137(b) filed 19 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

Derek A. Putonen
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LOUIS C. PAUL & ASSOCIATES
730 FIFTH AVENUE, 9TH FLOOR
NEW YORK, NY 10019

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JUL 28 2008

In re Application of :
Howard MURAD :
Application No. 12/086,911 : DECISION ON PETITION
Filed: June 20, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 518-038 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 made by registered attorney Louis C. Paul, certifying that he has in his possession evidence that the sole inventor Dr. Howard Murad is at least 65 years of age. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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LOUIS C. PAUL
420 EAST 61ST STREET, 8E
NEW YORK, NY 10021

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of

Howard MURAD
Application No. 12/086,911
Filed: June 20, 2008
Attorney Docket No. **518-038**

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 2. 2009.

The request is **APPROVED**.

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

The request was signed by Louis C. Paul, the sole attorney of record. Louis C. Paul has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

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

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

cc: **DR. HOWARD MURAD**
2121 ROSENCRANS AVENUE, 5TH FLOOR
EL SEGUNDO, CA 90245

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Dieter Messmer	: DECISION ON REQUEST FOR
Patent Number	: 7628135	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/086,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

23 JUL 2008

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BIO INTELLECTUAL PROPERTY SERVICES (BIO IPS) LLC
8509 KERNON CT.
LORTON VA 22079

In re Application of:	:	
NATHANI, Pankaj, Kumar, et al.	:	
U.S. Application No.: 12/086,994	:	DECISION ON PETITION
PCT No.: PCT/IB2006/003606	:	
International Filing Date: 14 December 2006	:	
Priority Date: 16 December 2005	:	
Atty Docket No.: WH-32	:	
For: PROCESSES FOR THE PREPARATION OF ALFUZOSIN	:	

The petition for revival under 37 CFR 1.137(b) filed 24 June 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 16 June 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the 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.

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

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

29 SEP 2009

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DOWELL & DOWELL P.C.
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Suite 220
Alexandria VA 22314

In re Application of	:	
KARAMANEV et al.	:	
Application No.: 12/087,009	:	DECISION
PCT No.: PCT/CA2006/002109	:	
Int. Filing Date: 22 December 2006	:	
Priority Date: 27 December 2005	:	
Attorney Docket No.: 16430NP	:	
For: FUEL CELL BIOREACTOR	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 07 August 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

The NOTICE OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and Filing Receipt, both mailed 28 August 2009, were mailed in error and are hereby VACATED.

BACKGROUND

On 22 December 2006, applicants filed international application PCT/CA2006/002109, which designated the United States and claimed a priority date of 27 December 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 June 2008.

On 24 June 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 August 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, a statement of facts from Alyssa Ann Finamore, and a copy of a FedEx shipment receipt.

DISCUSSION

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

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

Item (2) has not been met. It is not clear whether it is being alleged that Peter Vassilev Dobreff refuses to execute the application or that he cannot be reached after diligent effort. The two are distinct. *See, e.g.,* MPEP 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join." It is not clear that the package sent to Mr. Dobreff's last known address was received by him. Although a copy of a *shipment* receipt has been provided, it is not clear that any confirmation of delivery was used.

If it is being alleged that Mr. Dobreff refuses to sign, it must be established that he was presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). This would include some sort of confirmation of delivery.

If it is being alleged that Mr. Dobreff cannot be reached or found, MPEP § 409.03(d), item I, states in part:

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

Such a statement and documentary evidence must be provided if it is being alleged that Mr. Dobreff cannot be reached or found.

CONCLUSION

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

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

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

/Daniel Stemmer/

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29 JAN 2010

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103 Oronoco St.
Suite 220
Alexandria VA 22314

In re Application of	:	
KARAMANEV et al.	:	
Application No.: 12/087,009	:	DECISION
PCT No.: PCT/CA2006/002109	:	
Int. Filing Date: 22 December 2006	:	
Priority Date: 27 December 2005	:	
Attorney Docket No.: 16430NP	:	
For: FUEL CELL BIOREACTOR	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 30 November 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 22 December 2006, applicants filed international application PCT/CA2006/002109, which designated the United States and claimed a priority date of 27 December 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 June 2008.

On 24 June 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 August 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, a statement of facts from Alyssa Ann Finamore, and a copy of a FedEx shipment receipt.

On 29 September 2009, a decision was mailed dismissing without prejudice applicants petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 30 November 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a second statement of facts by Alyssa Ann Finamore and supporting documentation.

DISCUSSION

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

As noted in the decision mailed 29 September 2009, items (1), (3), and (4) have been met.

Item (2) has now been met. It has been established that non-signing inventor Mr. Dobreff was presented with a copy of the application papers. Mr. Dobreff's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **07 August 2009**.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner

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

29 JAN 2010

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Mr. Peter Vassilev Dobreff
107 Grand Avenue, Unit 203
London, Ontario N6C 3A8
CANADA

In re Application of
KARAMANEV et al.
Application No.: 12/087,009
PCT No.: PCT/CA2006/002109
Int. Filing Date: 22 December 2006
Priority Date: 27 December 2005
Attorney Docket No.: 16430NP
For: FUEL CELL BIOREACTOR

Dear Mr. Dobreff:

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

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

/Daniel Stemmer/

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22 SEP 2008

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of: BELOGOLOVY	:	DECISION
U.S. Application No.: 12/087,179	:	
PCT Application No.: PCT/RU2005/000668	:	ON
Int. Filing Date: 26 December 2005	:	
Priority Date: 26 December 2005	:	PETITION
Atty Docket No.: 884.G44US1	:	
For: GENERALIZED MULTI-THRESHOLD DECODER FOR LOW-DENSITY PARITY CHECK CODES	:	UNDER
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has submitted the requisite petition fee, the required reply in the form of the basic national fee under 35 U.S.C. 371, and the required statement of unintentional delay.

Therefore, the request to revive the application is granted as to the national stage in the United States of America.

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

for Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

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LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

In re Application of	:	
LEE, CHOONG-HOON	:	DECISION ON REQUEST TO
Application No. 12/087,215	:	PARTICIPATE IN PATENT
Filed: June 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. LGCHEM 3.3-015	:	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 9 September 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 KIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(5) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fails to comply with the requirement because:

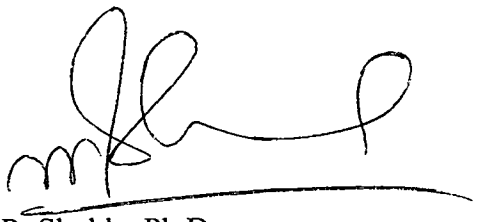
The examination of the U.S. application has already begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS**

PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.
Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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



Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

14 JUL 2009

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William J. McNichol, Jr.
Reed Smith
2500 One Liberty Place
1650 Market Street
Philadelphia PA 19103

In re Application of	:	
HOPKINS et al.	:	
Application No.: 12/087,229	:	DECISION
PCT No.: PCT/GB2006/001194	:	
Int. Filing Date: 31 March 2006	:	
Priority Date: 29 December 2005	:	
Attorney's Docket No.: 08-40126-US	:	
For: CONFIGURING NETWORKED ENTERTAINMENT DEVICES	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 07 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 March 2006, applicants filed international application PCT/GB2006/001194, which designated the U.S. and claimed a priority date of 29 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2008 (29 June 2008 being a Sunday).

On 27 June 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 September 2008, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 May 2009, applicants filed the instant petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of inventors and a petition/fee for a five-month extension of time.

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.

Item (1) has not been satisfied.
-The declaration filed 07 May 2009 is not sufficient because it contains non-initialed alterations (last page of declaration signed by Andrew Guy Oliver). 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.
-Additionally, the non-initialed alterations change the second inventor's name. Thus, even if the alterations were initialed and dated, the declaration of inventors submitted 07 May 2009 would not comply with 37 CFR 1.497(a)-(b) because it would not list the correct inventorship. There would be a difference in names in the second named inventor between the published international application (Andrew Guy OLIVER) and the declaration of the inventor (Andrew Guy OLLIVER). It is not clear if there was a typographical or transliteration error in the last name of the second inventor as indicated in the international application or declaration (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

As to item (2), applicant submitted the petition fee on 07 May 2009.

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

Applicant is required to submit a proper response within a time period of **TWO (2) MONTHS** from the mail date of this Decision. Regarding the name of Mr. Oliver, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the last name of the second inventor as indicated in the international application if this is the case, or a

petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

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

/Daniel Stemmer/

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9 NOV 2009

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William J. McNichol, Jr.
Reed Smith
2500 One Liberty Place
1650 Market Street
Philadelphia PA 19103

In re Application of	:	
HOPKINS et al.	:	
Application No.: 12/087,229	:	DECISION
PCT No.: PCT/GB2006/001194	:	
Int. Filing Date: 31 March 2006	:	
Priority Date: 29 December 2005	:	
Attorney's Docket No.: 08-40126-US	:	
For: CONFIGURING NETWORKED ENTERTAINMENT DEVICES	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 14 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 March 2006, applicants filed international application PCT/GB2006/001194, which designated the U.S. and claimed a priority date of 29 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2008 (29 June 2008 being a Sunday).

On 27 June 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 September 2008, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 May 2009, applicants filed a petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of inventors and a petition/fee for a five-month extension of time.

On 14 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.137(a). Specifically, it was noted that the declaration of inventors was not sufficient.

On 14 September 2009, applicants filed the instant renewed petition under 37 CFR 1.137(b) which was accompanied by a declaration of inventors.

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.

Item (1) has now been satisfied. The declaration of inventors filed 14 September 2009 is in compliance with 37 CFR 1.497(a)-(b).

As to item (2), applicant submitted the petition fee on 07 May 2009.

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

CONCLUSION

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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INDIANAPOLIS, IN 46204

MAILED

MAY 06 2010

OFFICE OF PETITIONS

Applicant: Paul R. Sommerville
Appl. No.: 12/087,243
International Filing Date: December 28, 2006
Title: PERSONAL WARNING APPARATUS
Attorney Docket: CRDS-3
Pub. No.: US 2009/0163778 A1
Pub. Date: June 25, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 24, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on June 27, 2008 was not included in the publication and the preliminary amendment filed August 6, 2008 adding the priority benefit claim was not included.

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

The error noted by requestor with respect to the preliminary amendment filed June 27, 2008 and August 6 2008, is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR

[1] 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).

1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the publication may be based upon amendments to the specification that are reflected in a substitute specification, provided that such substitute specification is submitted before technical preparations for publication have begun, generally four months before the projected date of publication. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Pursuant to 37 CFR 1.55(a), in an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

On March 18, 2009 a Filing Receipt was mailed by the Office, which did not list the benefit claim. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

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.

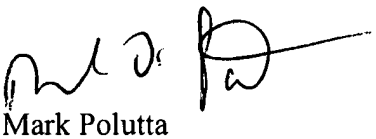
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

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

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

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



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

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Alexandria, VA 22313-1450
www.uspto.gov

21 AUG 2008

Jacobson Holman PLLC
400 Seventh Street N.W.
Suite 600
Washington, DC 20004

In re Application of :
NADREAU et al. :
Application No.: 12/087,262 : DECISION ON PETITION
PCT No.: PCT/FR06/02815 :
Int. Filing Date: 20 December 2006 :
Priority Date: 21 December 2005 :
Attorney Docket No.: P72692US0 :
For: EGG EXAMINING DEVICE

The petition to revive under 37 CFR 1.137(b) filed 30 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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0 5 DEC 2008

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
NAKAZAWA, et al.	:	
U.S. Application No.: 12/087,287	:	DECISION ON REQUEST
PCT No.: PCT/JP07/51579	:	
Int. Filing Date: 31 January 2007	:	UNDER 37 CFR 1.42
Priority Date: 06 February 2006	:	
Attorney Docket No.: 047912-0181	:	
For: VOICE RECOGNIZING APPARATUS, VOICE RECOGNIZING METHOD, AND PROGRAM FOR RECOGNIZING VOICE	:	

This decision is in response to applicant's submission of a combined declaration and power of attorney filed in the United States Patent and Trademark Office (USPTO) on 30 June 2008. The response is being treated as a request for status under 37 CFR §1.42. No petition fee is due.

BACKGROUND

On 31 January 2007, applicant filed international application PCT/JP07/51579 which claimed priority to an earlier application filed 06 February 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 August 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 August 2008.

On 30 June 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; an English translation of the international application; an Application Data Sheet; an executed declaration of the inventors and an Information Disclosure Statement.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

> "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

In addition to being signed by the inventors listed on the published international application, the declaration filed 06 August 2008 is executed by Yoshihiro Ikeda as the legal representative to estate of deceased inventor, Takahiro Ikeda. The declaration provides the residence, post office address and country of citizenship for both the deceased inventor and his legal representative and thus satisfies the provisions of 37 CFR 1.497(a)-(b). Therefore, it is proper to grant applicant's request for status under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's request for status of papers under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 31 January 2007 and a date of **30 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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WOLF FREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

APR 28 2010

OFFICE OF PETITIONS

Applicant: Peter Randolph Hazard Stark
Appl. No.: 12/087,301
International Filing Date: January 5, 2007
Title: SURFACE PLASMON ENHANCED RADIATON METHODS AND APPRATUS
Attorney Docket: H0776.70017US02
Pub. No.: US 2009/0146081 A1
Pub. Date: June 11, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 23, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in dependent claim 12 wherein the phase "an of the foregoing cla" should have been deleted.

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 instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The published claim 12 recites the phrase "an of the foregoing cla" which should have been deleted. While the claim is clearly grammatically incorrect, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

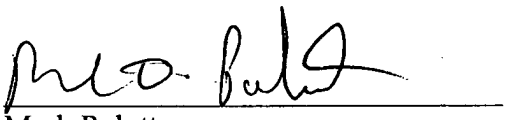
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

07 APR 2009

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Schwegman, Lundberg & Woessner, P.A.
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Minneapolis, MN 55402

In re Application of :
WINNEN et al. :
Application No.: 12/087,302 :
PCT No.: PCT/EP07/00926 :
Int. Filing Date: 02 February 2007 : DECISION
Priority Date: 02 February 2006 :
Attorney Docket No.: 1238.038US1 :
For: CANDLE COMPRISING A WICK, A FUEL AND A CANDLE DISH

This decision is issued in response to applicants' Petition under 37 CFR 1.47(a) filed 02 March 2009 to accept the application without the signature of joint-inventor, Herbert Klewe.

BACKGROUND

On 02 February 2007, applicants filed international application PCT/EP07/00926, which claimed a priority date of 02 February 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 August 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 02 August 2008.

On 01 July 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a preliminary amendment.

On 27 October 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a one-month time limit in which to respond.

On 02 March 2009, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1), (2) and (3) have been satisfied.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Herbert Klewe's refusal to execute the application papers is contained in the Declaration of Martin Winnen included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Additionally, the declaration of Martin Winnen states, "inventor Herbert Klewe signed a Combined Declaration and Power of Attorney associated with U.S. Patent application Serial No. 12/087,302, but later withdrew his signature consent. . ." A copy of Herbert Klewe's withdrawal of consent has been included with the present petition. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4) above, section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants filed a declaration executed by Martin Winnen and Herbert Klewe. Because applicants submitted a declaration executed by the refusing inventor, Herbert Klewe, the presumption that Martin Winnen executed the declaration on his own behalf and on behalf of the refusing inventor cannot be applied to the present declaration. Applicants must submit newly executed declaration executed by the cooperating inventor (Martin Winnen) and containing unsigned signature block for the nonsigning inventor (Herbert Klewe). Such a declaration can than be treated as having been executed by the available inventor on their own behalf and on behalf of the nonsigning inventors. Until such declaration is submitted, item (4) is not satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

10 JUL 2009

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of :
WINNEN et al. :
Application No.: 12/087,302 :
PCT No.: PCT/EP07/00926 :
Int. Filing Date: 02 February 2007 : DECISION
Priority Date: 02 February 2006 :
Attorney Docket No.: 1238.038US1 :
For: CANDLE COMPRISING A WICK, A FUEL AND A CANDLE DISH

This decision is issued in response to applicants' Renewed Petition under 37 CFR 1.47(a) filed 08 June 2009 to accept the application without the signature of joint-inventor, Herbert Klewe.

BACKGROUND

On 02 February 2007, applicants filed international application PCT/EP07/00926, which claimed a priority date of 02 February 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 02 August 2008.

On 01 July 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a preliminary amendment.

On 27 October 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a one-month time limit in which to respond.

On 02 March 2009, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 07 April 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 08 June 2009, applicants 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) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1), (2) and (3) have been previously satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Herbert Klewe). This declaration is treated as having been executed by the available inventors on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Herbert Klewe under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
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Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 JUL 2009

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Herbert Klewe
Postrasse 13, 40213
Dusseldorf, Germany

In re Application of
WINNEN et al.
Application No.: 12/087,302
PCT No.: PCT/EP07/00926
Int. Filing Date: 02 February 2007
Priority Date: 02 February 2006
Attorney Docket No.: 1238.038US1
For: CANDLE COMPRISING A WICK, A FUEL AND A CANDLE DISH

Dear Mr. Klewe:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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16 JUN 2009

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AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

In re Application of YOSHIZAWA et al	:	
U.S. Application No.: 12/087,318	:	
PCT Application No.: PCT/JP2006/318733	:	
Int. Filing Date: 21 September 2006	:	
Priority Date Claimed: 04 January 2006	:	
Attorney Docket No.: 3883.0055	:	DECISION
For: AMORPHOUS ALLOY THIN-BAND,	:	
NANOCRYSTALLINE SOFT MAGNETIC ALLOY	:	
AND MAGNETIC CORE CONSISTING OF	:	
NANOCRYSTALLINE SOFT MAGNETIC ALLOY	:	

This is in response to applicant's request for refund filed 22 April 2009.

BACKGROUND

On 21 September 2006, applicant filed international application PCT/JP2006/318733, which claimed priority of an earlier Japan application filed 04 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 04 July 2008.

On 01 July 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 22 April 2009, applicant filed the present request for refund.

DISCUSSION

Applicant requests a refund of $4,120.00, which was charged to applicant's deposit account due to excess claims and to the presence of multiple dependent claims.

MPEP 1893.01(c) states in relevant part,

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608. (Emphasis added.)

In the present case, applicant's initial national stage submission on 01 July 2008 did not include a preliminary amendment that reduced the number of claims and/or eliminated multiple dependent claims. Because the transmittal letter (Form PTO-1390) contained a valid authorization to charge any required fees, the charges of $3,750.00 for claims in excess of 20 and $370.00 for the presence of multiple dependent claims on 25 November 2008 was proper. Pursuant to MPEP 1893.01(c), applicant's subsequent preliminary amendment filed on 16 March 2009 does not entitle applicant to a refund of the previously paid fees.

CONCLUSION

For the reasons above, the request for refund is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

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

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11 SEP 2009

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VIENNA, VA 22182-2683

In re Application of YOSHIZAWA et al :
U.S. Application No.: 12/087,318 :
PCT Application No.: PCT/JP2006/318733 :
Int. Filing Date: 21 September 2006 :
Priority Date Claimed: 04 January 2006 :
Attorney Docket No.: 3883.0055 : DECISION
For: AMORPHOUS ALLOY THIN-BAND, :
NANOCRYSTALLINE SOFT MAGNETIC ALLOY :
AND MAGNETIC CORE CONSISTING OF :
NANOCRYSTALLINE SOFT MAGNETIC ALLOY :

This is in response to applicant's renewed request for refund filed 02 July 2009.

BACKGROUND

On 21 September 2006, applicant filed international application PCT/JP2006/318733, which claimed priority of an earlier Japan application filed 04 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 04 July 2008.

On 01 July 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 22 April 2009, applicant filed a request for refund.

On 16 June 2009, this Office mailed a decision dismissing the 22 April 2009 request.

On 02 July 2009, applicant filed the present renewed request for refund.

DISCUSSION

Applicant requests a refund of $4,120.00, which was charged to applicant's deposit account due to excess claims and to the presence of multiple dependent claims.

MPEP 1893.01(c) states in relevant part,

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608. (Emphasis added.)

In the present case, applicant's initial national stage submission on 01 July 2008 did not include a preliminary amendment that reduced the number of claims and/or eliminated multiple dependent claims. Because the transmittal letter (Form PTO-1390) contained a valid authorization to charge any required fees, the charges of $3,750.00 for claims in excess of 20 and $370.00 for the presence of multiple dependent claims on 25 November 2008 was proper. Pursuant to MPEP 1893.01(c), applicant's subsequent preliminary amendment filed on 16 March 2009 does not entitle applicant to a refund of the previously paid fees.

The present renewed request for refund acknowledges that although applicant is not entitled to a refund under the policy set forth in MPEP 1893.01(c), applicant is entitled to a refund under 37 CFR 1.26 since the payment was made "by mistake".

37 CFR 1.26(a) authorizes the Director to refund any fee paid by mistake. MPEP 607.02 states in relevant part, "When an applicant or patentee takes an action 'by mistake' (e.g., files an application or maintains a patent in force 'by mistake'), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a 'fee paid by mistake' within the meaning of 35 U.S.C. 42(d)." In the present case, while applicant may consider the action of filing of multiple dependent claims to have been a mistake, the submission of fees required to take that action is not a fee paid "by mistake" within the meaning of 35 U.S.C. 42(d) and 37 CFR 1.26(a) as explained in MPEP 607.02.

The renewed request for refund further states that applicant is being penalized for using a deposit account rather than paying by check. However, it is not the form of payment that was the source of the fees generated. Payment by deposit account authorization does not require the account holder to authorize the Office to charge any additional fees that may be required as was done in the present case.

The renewed request for refund further states that due to the unusually high excess claims fees, fundamental fairness dictates that a refund be granted in the present situation. It is unclear whether applicant is requesting waiver of the rules under 37 CFR 1.183. Any such request must be made by petition and be accompanied by the requisite petition fee. Such petition must

specifically identify the requirement of Title 37, Code of Federal Regulations, Part 1 - Rules of Practice in Patent Cases, that should be waived. This should not in any way be construed as an indication as to whether such a petition would be granted and is mentioned solely due to applicant's introduction of the issue of fundamental fairness.

The renewed request for refund alternatively requests that claims 18 and 19 be treated as independent claims instead of multiple dependent claims. However, claims 18 and 19 clearly refer back to and further limit other claims and thus are properly considered dependent claims under 37 CFR 1.75(c). There is no basis for treating claims which meet the definition of dependent claims as independent claims.

CONCLUSION

For the reasons above, the renewed request for refund is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

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

26 MAY 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM NC 27707

In re Application of	:	
ROHBOGNER et al	:	
Application No.: 12/087,351	:	
PCT No.: PCT/EP2007/050492	:	
Int. Filing Date: 18 January 2007	:	DECISION
Priority Date: 18 January 2006	:	
Attorney's Docket No.: 1406/534	:	
For: Preparation And Use of Magnesium Amides	:	

This is in response to petitioner's "PETITION UNDER 37 CFR 1.28(c)," filed on 04 February 2010 requesting to pay the deficiency amount owed because the above patent application was erroneously filed as a small entity status, when it should have been a large entity.

A review of the petition indicates that the above patent application was erroneously filed in good faith as a small entity status. The aforementioned application is a large entity and is deficient by $715.00.

Accordingly, petitioner will be charged $715.00 under 37 CFR 1.28 to the Deposit Account No.: 50-0426.

CONCLUSION

For reasons above, the petition is **GRANTED**.

The required fee of $715.00 has been charged to Deposit Account No.: 50-0426 as authorized in the petition submitted on 04 February 2010.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

18 JUL 2008

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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of	:	
GUPTA, et al.	:	
Application No.: 12/087,372	:	
PCT No.: PCT/IN06/00485	:	DECISION ON PETITION
Int. Filing Date: 04 December 2006	:	
Priority Date: 02 December 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 20820-66977	:	
For: HOLOGRAPHIC FLEXIBLE TUBE LAMINATE FOR PACKAGING AND METHOD OF MAKING THE SAME	:	

The petition to revive under 37 CFR 1.137(b) filed 02 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 04 December 2006 under 35 U.S.C. 363 and will be given a date of **02 July 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

Applicant: Delaite et al.
Appl. No.: 12/087,483
International Filing Date: January 16, 2007
Title: CLEANING PRODUCT FOR RUGS, FABRICS AND CARPETS
Attorney Docket No.: 16434NP
Pub. No.: US 2009/0005284 A1
Pub. Date: March 2, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 2, 2009, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material error in erroneous text.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The errors due to erroneous text, such as "glycery)" rather than "glyceryl" in the abstract, and the reprint of the abstract following claim 3, are not material. The misprints do not alter the meaning of the text in such a manner to affect the public's ability to appreciate the technical disclosure of the patent application 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.

With respect to the error in the order of the inventors, it is not an Office error. The inventors were printed in the order provided on the Oath. See MPEP 605.04(f). To change the order of the inventors, applicant should file a petition under 37 CFR 1.182.

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

24 FEB 2010

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of :
Amamiya et al. :
Application No.: 12/087,486 :
PCT No.: PCT/IB2007/000005 :
Int. Filing Date: 03 January 2007 : DECISION
Priority Date: 10 January 2006 :
Attorney Docket No.: 136599 :
For: Control Apparatus And Control Method Of A Vehicle :

This is in response to the correspondence filed on 02 July 2009.

BACKGROUND

This international application was filed on 03 January 2007, claimed an earlier priority date of 10 January 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 July 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 July 2008.. Applicants filed *inter alia* the basic national fee on 08 July 2008.

On 25 September 2008, a Notification of Missing Requirements (From PCT/DO/EO/905) was mailed, requiring the submission of an English translation of the international application.

On 07 October 2008, applicants filed a response.

On 02 June 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, again requiring the submission of an English translation of the international application.

On 15 June 2009, a Letter Regarding A New Notice... (Form PCT/DO/EO/WITH) was mailed, stating in part that "applicant may disregard the previous notice mailed on 09/25/2008." Mailed therewith were a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "10/07/2008."

On 18 June 2009, applicants requested a corrected Filing Receipt.

On 26 June 2009, a new Filing Receipt was issued.

DISCUSSION

Counsel requests issuance of a corrected filing receipt showing a "Filing or 371(c) Date" of "07/08/2008" rather than the "10/07/2008" date shown on the Filing Receipt mailed on 26 June 2009.

Review of the record reveals that the subject international application was filed and published in the English language. As such, no English translation was required. Accordingly, the Notification of Missing Requirements mailed on 25 September 2008 and the Notification of

Defective Response mailed on 02 June 2009 were mailed in error, and both are hereby **VACATED**.

Further review of the application file reveals that the dual language declaration of the inventors filed on 08 July 2008 was not made under PCT Rule 4.17(iv) or on a form provided by the USPTO, and that the statement required under 37 CFR 1.69(b) does not appear to have been made. As such, it would not be appropriate to accept the declaration at this time. Counsel should furnish either the required statement or a newly executed oath or declaration which complies with 37 CFR 1.69(b)(as appropriate) and 37 CFR 1.497(a) and (b).

DECISION

The request is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

14 JUN 2010

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Amamiya et al.	:	
Application No.: 12/087,486	:	
PCT No.: PCT/IB2007/000005	:	
Int. Filing Date: 03 January 2007	:	DECISION
Priority Date: 10 January 2006	:	
Attorney Docket No.: 136599	:	
For: Control Apparatus And Control Method Of A Vehicle	:	

This is in response to the correspondence filed on 10 March 2010.

DISCUSSION

In a Decision mailed on 02 July 2009, applicants were advised that

> Further review of the application file reveals that the dual language declaration of the inventors filed on 08 July 2008 was not made under PCT Rule 4.17(iv) or on a form provided by the USPTO, and that the statement required under 37 CFR 1.69(b) does not appear to have been made. As such, it would not be appropriate to accept the declaration at this time. Counsel should furnish either the required statement or a newly executed oath or declaration which complies with 37 CFR 1.69(b)(as appropriate) and 37 CFR 1.497(a) and (b).

In response, applicants have provided a "Certification of English Language Translation" which is being accepted in satisfaction of 37 CFR 1.69(b). As such, the declaration filed on 08 July 2008 is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The request is **ACCEPTED**, as discussed above.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 July 2008**.

/George Dombroske/
George Dombroske
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Office of PCT Legal Administration
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DEBORAH NEVILLE
PO BOX 61063
PALO ALTO CA 94306

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MAR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven John Sue	:	DECISION ON PETITION
Application No. 12/087,499	:	TO WITHDRAW
Filed: July 8, 2008	:	FROM RECORD
Attorney Docket No. VIBE09072006	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed January 14, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Deborah Neville 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 Deborah Neville not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

19 OCT 2009

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Alexandria, VA 22313-1450
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Volvo Technology of America, Corporate Patents
7825 National Service Road
Mail Stop, AP1/3-41
Greensboro, NC 27409

In re Application of :
STABLEIN et al. :
Application No. 12/087,502 :
PCT No.: PCT/US2006/001231 :
Int. Filing Date: 13 January 2006 : DECISION ON PETITION
Priority Date: None :
Attorney Docket No.: P20840US :
For: ENGINE WITH EXHAUST TEMPERATURE CONTROL AND METHOD OF CONTROLLING ENGINE EXHAUST GAS TEMPERATURE AND ENGINE INTAKE TEMPERATURE :

This decision is issued in response to applicants' "Request to Withdraw Holding of Abandonment under 37 CFR 1.181" filed 09 September 2009.

Applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED.

On 02 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Insufficient Fees (DO/EO/US) (Form DO/EO/923) mailed 24 September 2008 within the time period set therein.

Petitioner states in their present petition that "[a]pplicants' submitted a credit card authorization and fee transmittal for $210 on November 5, 2008 . . . Between the time of the mailing to the Notification of Insufficient Fees (Form DO/EO/923) and the submission of the additional fee, the fee for each independent claim over 3 was increased to $220." The Manual of Patent Examining Procedure §509 states, (in part),

> Where the Office has notified an applicant, in writing, that a fee is due and has specified a particular dollar amount for that fee, if the applicant timely submits the specified fee amount in response to the notice, the applicant should be considered to have complied with the notice so as to avoid abandonment of the application. If the fee paid by the applicant is insufficient, either because the notice specified an

> incorrect dollar amount for the fee or because of a fee increase effective after the mailing of the notice and before payment of the fee by the applicant, the applicant should be notified in writing by the Office of the fee insufficiency and given a new time period in which to submit the remaining balance. The written notification of the fee insufficiency should set forth the reason (i.e., the fee amount indicated by the Office in the earlier notice was incorrect or the fees have increased since the earlier notice was mailed) why applicant is being required to submit an additional fee.

Here, applicants timely submitted the specified fee amount in response to the Notification of Insufficient Fees (Form DO/EO/923). This should have been considered a timely response to avoid abandonment of the application and, upon receipt of the insufficient fee, the United States Patent and Trademark Office should have mailed a second Notification indicating that the additional fee ($10) was due. Since the Office erred in not mailing the appropriate form to applicants, the Notification of Abandonment was mailed in error and is hereby withdrawn. Therefore, applicant's petition to withdraw holding of abandonment is granted.

Telephone inquiries concerning this decision should be directed to the undersigned.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Anthony Smith
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Telephone: (571) 272-3298
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23 SEP 2008

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RALPH A. DOWELL OF DOWELL & DOWELL P.C.
2111 EISENHOWER AVENUE
SUITE 406
ALEXANDRIA VA 22314

In re Application of: PONIATOWSKI	:	DECISION
U.S. Application No.: 12/087,539	:	
PCT Application No.: PCT/CA2004/000513	:	ON
Int. Filing Date: 07 April 2004	:	
Priority Date: 07 April 2003	:	PETITION
Atty Docket No.: 16441NP	:	
For: AUDIO/VISUAL INFORMATION DISSEMINATION SYSTEM	:	UNDER
	:	
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 July 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 under 35 U.S.C. 371(d) 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

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

1 JUN 2009

United States Patent and Trademark Office

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Plasterk et al.	:	
Application No.: 12/087,566	:	DECISION
PCT No.: PCT/NL2006/000010	:	
Int. Filing Date: 10 January 2006	:	ON
Priority Date: 10 January 2006	:	
Attorney Docket No.: 2183-9043US	:	PETITION
For: Nucleic Acid Molecules And Collections	:	
Thereof, Their Application And Identification	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 26 January 2009.

BACKGROUND

This international application was filed on 10 January 2006, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 July 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 July 2008. Applicants filed *inter alia* the basic national fee on 07 July 2008.

On 24 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring (*inter alia*) the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided a "Declaration" signed by non-signing joint inventor Plasterk. Dr. Plasterk states that he was "presented with the materials for U.S. application No. 12/097,566 including the specification, claims, drawings, as well as the declaration and the assignment documents. I am now, however, a member of the Dutch Cabinet, i.e., the Minister of Education, Culture & Science of the Kingdom of the Netherlands." In view of this circumstance, Dr. Plasterk explicitly states that he refuses to sign the declaration. This "Declaration" clearly establishes Dr. Plasterk's refusal to execute an oath or declaration document. However, the "Declaration" is captioned with the instant application number, but refers to a different application number in its text. It would be appropriate to clarify the record as to this ambiguity.

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 26 January 2009 reveals that the postal address of joint inventor Cuppen has been altered without being initialed. A new declaration is required.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

17 DEC 2009

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Plasterk et al.	:	
Application No.: 12/087,566	:	DECISION
PCT No.: PCT/NL2006/000010	:	
Int. Filing Date: 10 January 2006	:	ON
Priority Date: 10 January 2006	:	
Attorney Docket No.: 3157-9043US (P6023799PCT/US)	:	PETITION
For: Nucleic Acid Molecules And Collections	:	
Thereof, Their Application And Identification	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 23 July 2009.

DISCUSSION

In a Decision mailed on01 June 2009, the petition under 37 CFR 1.47(a) filed on 26 January 2009 was dismissed, without prejudice, because

> Regarding requirement (2), petitioner has provided a "Declaration" signed by non-signing joint inventor Plasterk. Dr. Plasterk states that he was "presented with the materials for U.S. application No. 12/097,566 including the specification, claims, drawings, as well as the declaration and the assignment documents. I am now, however, a member of the Dutch Cabinet, i.e., the Minister of Education, Culture & Science of the Kingdom of the Netherlands." In view of this circumstance, Dr. Plasterk explicitly states that he refuses to sign the declaration. This "Declaration" clearly establishes Dr. Plasterk's refusal to execute an oath or declaration document. However, the "Declaration" is captioned with the instant application number, but refers to a different application number in its text. It would be appropriate to clarify the record as to this ambiguity.
>
> Regarding requirement (4), inspection of the declaration of inventorship filed on 26 January 2009 reveals that the postal address of joint inventor Cuppen has been altered without being initialed. A new declaration is required.

In response, Dr. Plasterk has signed a new "Declaration" which unambiguously states that he is refusing to sign the declaration for this particular application. As such, requirement (2) has been satisfied.

With respect to requirement (4), petitioner has provided a new declaration which cures the defect with respect to Mr. Cuppen noted in the previous Decision. However, the first page of the declaration indicates that it is directed to both 12/087,566 and PCT/NL2000/000010 "filed on January 10, 2000" (as opposed to PCT/NL2006/000010 filed on 10 January 2006). As such, it is ambiguous which application is being executed.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

- 2 MAR 2010

United States Patent and Trademark Office

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P.O. Box 1450
Alexandria, VA 22313-1450
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Plasterk et al.	:	
Application No.: 12/087,566	:	DECISION
PCT No.: PCT/NL2006/000010	:	
Int. Filing Date: 10 January 2006	:	ON
Priority Date: 10 January 2006	:	
Attorney Docket No.: 3157-9043US (P6023799PCT/US)	:	PETITION
For: Nucleic Acid Molecules And Collections	:	
Thereof, Their Application And Identification	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 15 January 2010.

DISCUSSION

In a Decision mailed on 17 December 2009, the renewed petition under 37 CFR 1.47(a) filed on 23 July 2009 was dismissed, without prejudice, because

> With respect to requirement (4), petitioner has provided a new declaration which cures the defect with respect to Mr. Cuppen noted in the previous Decision. However, the first page of the declaration indicates that it is directed to both 12/087,566 and PCT/NL2000/000010 "filed on January 10, 2000" (as opposed to PCT/NL2006/000010 filed on 10 January 2006). As such, it is ambiguous which application is being executed.

In response, petitioner has filed a declaration which satisfies the requirements of 37 CFR 1.497(a) and (b) and 1.47(a). Therefore, all of the requirements for relief under 37 CFR 1.47(a) now have been satisfied.

The Notices of Acceptance (Form PCT/DO/EO/903) and Filing Receipts mailed on 17 April 2009 and 18 May 2009 were both mailed prematurely, and all are hereby **VACATED.**

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**,.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 January 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

- 2 MAR 2010

United States Patent and Trademark Office

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Ronald H. A. Plasterk
Zwarteweg 5
1405 AA Bussum
NETHERLANDS

In re Application of
Plasterk et al.
Application No.: 12/087,566
PCT No.: PCT/NL2006/000010
Int. Filing Date: 10 January 2006
Priority Date: 10 January 2006
Attorney Docket No.: 3157-9043US
For: Nucleic Acid Molecules And Collections:
Thereof, Their Application And Identification

Dear Mr. Plasterk:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

TRASKBRITT, P.C.
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Ronald H.A. PLASTERK) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/NL2006/000010 and was filed on January 10, 2006 in the names of Ronald H.A. PLASTERK, Eugene BEREZIKOV and Edwin P.J.G. CUPPEN for the invention entitled NUCLEIC ACID MOLECULES AND COLLECTIONS THEREOF, THEIR APPLICATION AND IDENTIFICATION. The national stage application number is 12/087,566 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of January 15, 2010.

23 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
PLASTERK et al.	:	
Application No.: 12/087,649	:	DECISION
PCT No.: PCT/NL2007/000012	:	
Int. Filing Date: 10 January 2007	:	
Priority Date: 10 January 2006	:	
Attorney Docket No.: 2183-9043.1US	:	
For: NUCLEIC ACID MOLECULES AND COLLECTIONS THEREOF, THEIR APPLICATION AND IDENTIFICATION	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 23 January 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 10 January 2007, applicants filed international application PCT/NL2007/000012, which designated the United States and claimed a priority date of 10 January 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 19 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 July 2008.

On 10 July 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 September 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 January 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors, and a declaration of facts by non-signing inventor Ronald H. A. Plasterk.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been satisfied. Item (2) has also been satisfied. It has been established that the non-signing inventor Ronald H. A. Plasterk was presented with a copy of the application papers and refuses to execute the declaration of inventors.

Item (4) has not been satisfied. The declaration filed 23 January 2009 signed by Edwin P. J. G. Cuppen is not sufficient because it contains non-initialed alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
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Legal Administration
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27 OCT 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
PLASTERK et al.	:	
Application No.: 12/087,649	:	DECISION
PCT No.: PCT/NL2007/000012	:	
Int. Filing Date: 10 January 2007	:	
Priority Date: 10 January 2006	:	
Attorney Docket No.: 2183-9043.1US	:	
For: NUCLEIC ACID MOLECULES AND COLLECTIONS THEREOF, THEIR APPLICATION AND IDENTIFICATION	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 23 July 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 10 January 2007, applicants filed international application PCT/NL2007/000012, which designated the United States and claimed a priority date of 10 January 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 19 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 July 2008.

On 10 July 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 September 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 January 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors, and a declaration of facts by non-signing inventor Ronald H. A. Plasterk.

On 23 June 2009, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that 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.

On 23 July 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 23 June 2009, items (1)-(3) have been satisfied.

Item (4) has now been satisfied as well. The declaration of inventors filed 23 July 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **23 July 2009**.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty

Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 7 OCT 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Ronald H. A. Plasterk
Zwarteweg 5
1405 AA
Bussum
The Netherlands

In re Application of
PLASTERK et al.
Application No.: 12/087,649
PCT No.: PCT/NL2007/000012
Int. Filing Date: 10 January 2007
Priority Date: 10 January 2006
Attorney Docket No.: 2183-9043.1US
For: NUCLEIC ACID MOLECULES AND COLLECTIONS THEREOF, THEIR APPLICATION AND IDENTIFICATION

Dear Mr. Plasterk:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
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Telephone: (571) 272-3301
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TRASKBRITT, P.C.
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/087,684	07/11/2008	Kong-Kyeom Kim	29137.346.00-US	1664

30827 7590 12/29/2009

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
CLARK, GREGORY D	

ART UNIT	PAPER NUMBER
1794	

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

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CST

DEC 2 9 2009

In re application of Kong-Kyeom Kim et al Serial No. 12/087,684 Filed: July 11, 2008 For: EMITTING MATERIALS AND ORGANIC LIGHT EMITTING DEVICE USING 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 filed on October 27, 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 KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form: Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:
- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH 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

13 AUG 2009

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United States Patent and Trademark Office
P.O. Box 1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of LINK et al.	:
Application No.: 12/087,713	: DECISION ON PETITION
PCT No.: PCT/US06/21280	:
Int. Filing Date: 01 June 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 11 January 2006	:
Attorney Docket No.: 28855-518N01US	:
For: MICROFLUIDIC DEVICES AND	:
METHODS OF USE IN THE FORMATION AND	:
CONTROL OF NANOREACTORS	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 14 April 2009, to accept the application without the signature of the joint inventor AHMADALI TABATABAI. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 11 July 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 14 November 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), was required.

On 14 April 2009, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor AHMADALI TABATABAI, alleging that Mr. TABATABAI refused to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application

or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) with the payment of the petition fee and Item (3) with the submission of the last known address of the nonsigning inventor.

With respect to Item (2) above, Petitioner submitted the declaration of attorney Jodi A. Tucker, Corporate Counsel for RainDance Technologies, Inc. Ms. Tucker states that on 25 November 2008 and 13 February 2009, she forwarded a letter to the nonsigning inventor via United Parcel Service to his last known address, including "a true copy of the above-identified patent application and Combined Oath, Declaration, Power of Attorney" for Dr. Tabatabai's signature. Copies of this correspondence were attached to the petition as documentary evidence. However, a review of these letters indicate: "Enclosed are the Assignment and Combined Declaration and Power of Attorney for patent application 12/087,713." There is no indication in either of Ms. Tucker's letters that a complete copy of the patent application was sent to Dr. Tabatabai.

The documentary evidence provided does not establish that Dr. Tabatabai was presented with a copy of the application papers and refused to sign the declaration, directed to the instant U.S. Application, which is the national stage of PCT/US06/21280. Dr. Tabatabai's letter of 20 February 2009 does not clearly identify this application as its subject. He does not indicate that he received a complete copy of the above referenced application. Much of his letter is redacted. However, it clearly appears that Dr. Tabatabai is refusing to sign the assignment document. On page 3 of his letter, Dr. Tabatabai states: "RDT has sent me a letter on February 13, 2009 ..... requesting that I would sign a form that is to transfer my patent rights to Darren Link.....I refuse to sign this document." See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1]

---

[1] *A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor,* or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition.

From the evidence presented, it does not appear that Dr. Tabatabai received a complete copy of the application papers and that he refused to sign the application papers. Petitioner must provide the nonsigning inventor with a complete copy of the application papers including a declaration (not a combined power of attorney), before a petition under 37 CFR 1.47(a) can be granted. In light of the above, Item (2) above is not satisfied and thus, it is inappropriate to grant applicant's petition under 37 CFR 1.47(a) at this time.

With regard to item (4), the declaration submitted with the petition is a five-page declaration. However, the declaration contains eleven pages: one page marked "1", one page marked "2", three pages marked ""3", three pages marked "4" and three pages marked "5". The pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met. Item (4) is not yet satisfied.

In sum, Petitioner has satisfied Items (1) and (3) above. As set forth, Items (2) and (4) are yet to be satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor

If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of LINK et al.	:
Application No.: 12/087,713	: DECISION ON PETITION
PCT No.: PCT/US06/21280	:
Int. Filing Date: 01 June 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 11 January 2006	:
Attorney Docket No.: 28855-518N01US	:
For: MICROFLUIDIC DEVICES AND	:
METHODS OF USE IN THE FORMATION AND	:
CONTROL OF NANOREACTORS	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 28 September 2009, to accept the application without the signature of the joint inventor AHMADALI TABATABAI.

BACKGROUND

On 11 July 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 14 November 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), was required.

On 14 April 2009, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor AHMADALI TABATABAI, alleging that Mr. TABATABAI refused to sign the application.

On 13 August 2009, a decision was mailed indicating that the petition was dismissed for failure to satisfy the requirements of 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) and (3).

With respect to Item (2) above, Petitioner submitted a second declaration of attorney Jodi A. Tucker, Corporate Counsel for RainDance Technologies, Inc. Ms. Tucker states that on 25 August 2009, she sent a letter to the nonsigning inventor via Federal Express to his last known address, including "a true copy of the above-identified patent application and the Declaration" for Dr. Tabatabai's signature. A copy of this correspondence was attached to the petition as documentary evidence.

The documentary evidence provided establishes that Dr. Tabatabai was presented with a copy of the application papers and refused to sign the declaration directed to the instant U.S. Application. Dr. Tabatabai's email of 03 September 2009 indicates that a copy of the publication for PCT/US06/21280 was provided to the nonsigning inventor and serves as proof that he received a complete copy of the above referenced application. Dr. Tabatabai's email of 10 September 2009 indicates that he received a copy of the application and refuses to sign the application papers at this time. Ms. Tucker's declaration confirms that Dr. Tabatabai has not signed the declaration for this application. See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1]

From the evidence presented, it appears that Dr. Tabatabai received a complete copy of the application papers and that he refused to sign the application papers. Item (2) above is now satisfied.

With regard to item (4), petitioner submitted ten complete declarations executed by the joint inventors on their behalf and on behalf of the nonsigning inventor. The declarations are

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[1] Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

acceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have been met. Item (4) is satisfied.

In sum, Petitioner has satisfied Items (1)- (4) above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 28 September 2009. The application has an international filing date of 01 June 2006 under 35 U.S.C. 363, and a date of 28 September 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

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02 DEC 2009

DR. AHMADALI TABATABAI
155 PEDDLERS DRIVE
BRANFORD, CT 06405

In re Application of LINK et al. :
Application No.: 12/087,713 :
PCT No.: PCT/US06/21280 :
Int. Filing Date: 01 June 2006 :
Priority Date: 11 January 2006 :
Attorney Docket No.: 28855-518N01US :
For: MICROFLUIDIC DEVICES AND :
METHODS OF USE IN THE FORMATION AND :
CONTROL OF NANOREACTORS :

Dear Dr. Tabatabai:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

11 AUG 2008

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FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of	:	
Kemmish et al.	:	
Application No.: 12/087,716	:	
PCT No.: PCT/GB2006/004938	:	
Int. Filing Date: 22 December 2006	:	DECISION
Priority Date: 23 December 2005	:	
Attorney Docket No.: APLE 2 00019	:	
For: Polymeric Materials	:	

The petition to revive under 37 CFR 1.137(b) filed on 10 July 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.

Inspection of the declaration filed on 10 July 2008 reveals that it appears to have been executed, but the copy quality is sufficiently poor as to render the declaration largely illegible. A clear copy of the declaration is required.

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 executed oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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20123 MILAN – ITALY
EUROPE IT ITALY

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DEC 0 3 2009

OFFICE OF PETITIONS

Applicants: Pierluigi Maggioni
Appl. No.: 12/087,731
International Filing Date: November 9, 2006
Title: Sheet-Like Element Such As A Net, Particularly For Geotechnical Applications
Attorney Docket: 46083/AJ/mfc
Pub. No.: US 2009/0003941 A1
Pub. Date: January 1, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 26, 2009, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains an incorrect filing date for PCT/EP2006/010742, as the Office improperly published the date as November 9 2007, instead of November 9, 2006.

On September 26, 2008, a Filing Receipt was mail by the Office, which incorrectly listed the Priority date for PCT/EP2006/010742 as November 9, 2007. To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The application will be forwarded to PCT Operations for a Corrected Filing Receipt.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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05 AUG 2008

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Thomas M. Galgano
GALGANO & ASSOCIATES, PLLC
20 W. Park Avenue, Suite 204
Long Beach, NY 11561

In re Application of :
BUNNING, Robin :
U.S. Application No.: 12/087,745 :
PCT No.: PCT/GB2006/003774 :
Int. Filing Date: 10 October 2006 :
Priority Date: 11 October 2005 :
Docket No.: 615-133 :
For: AN IMPROVED SPREADER :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 11 July 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

19 MAR 2009

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NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER NJ 07936-1080

In re Application of	:	
DYSON, Paul et al.	:	
Application No.: 12/087,749	:	
PCT No.: PCT/EP2004/009499	:	DECISION
Int. Filing Date: 25 August 2004	:	
Priority Date: 26 August 2003	:	ON PETITION UNDER
Docket No.: 33303-US-PCT	:	
For: IONIC LIQUIDS BASED ON IMIDAZOLIUM SALTS INCORPORATING A NITRILE FUNCTIONALITY	:	37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 10 July 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

On 10 November 2008, applicant furnished a declaration in compliance with 37 CFR 1.497(a)-(b). The fee for supplying the search fee, examination fee or oath or declaration after 30 months from the priority date has been paid.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 10 November 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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JOHN WATTS
8301 GUTHERIE
AUSTIN, TX 78750-7852

COPY MAILED

JUL 25 2008

In re Application of :
WATTS, John :
Application No. 12/087,762 : DECISION ON PETITION
Filed: July 15, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. **VARLEAD** : 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 the statement of inventor John D. Watts, 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 for further processing. This application will be accorded "Special" status when the pre-examination process is complete.

Monica A. Graves
Petitions Examiner
Office of Petitions

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27 OCT 2009

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John Watts
8301 Gutherie
Austin, TX 78750-7852

In re Application of	:	
WATTS, John D.	:	
Application No.: 12/087,762	:	DECISION ON PETITION
PCT No.: PCT/US2007/001154	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 17 January 2007	:	
Priority Date: 26 January 2006	:	
Attorney Docket No.: VARLEAD	:	
For: THREADED PIPE CONNECTION	:	

The petition to revive under 37 CFR 1.137(b) filed 25 September 2009 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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 additional claim fees of $1040 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

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22 JUN 2009

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CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS, CO 80524

In re Application of :
LACOURSE, et al. :
U.S. Application No.: 12/087,767 :
PCT No.: PCT/CA2007/000065 : DECISION ON PETITION
Int. Filing Date: 17 January 2007 :
Priority Date: 19 January 2006 : UNDER 37 CFR 1.182
Attorney's Docket No.: CadekaUSNPtunable :
For: A TUNABLE SEMICONDUCTOR COMPONENT: PROVIDED WITH A CURRENT BARRIER :

This decision is in response to applicant's "Petition to Merge Applications Under 37 C.F.R. §1.182" filed 05 November 2008 in the United States Patent and Trademark Office (USPTO) to correct the error in the Transmittal Letter (Form PTO-1390) and other papers filed 11 July 2008. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 17 January 2007, applicant filed international application PCT/CA2007/000065, which claimed priority of an earlier application filed 19 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 July 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 19 July 2008.

On 11 July 2008, applicant filed a transmittal letter for entering the U.S. national stage under 35 U.S.C. 371 accompanied by: payment of the U.S. Basic National Fee; an application data sheet (ADS), an unsigned declaration of the inventors and an information disclosure statement. The first page of the transmittal letter (Form PTO-1390), ADS and information disclosure statement identified the international application number as "PCT/CA2007/00006." The second page of the Form PTO-1390 and a concurrently filed "Letter of Transmittal" identified the filing as a U.S. national stage of international patent application PCT/CA2007/000065. The filing was subsequently split in the USPTO with the papers identifying international application PCT/CA2007/000065 assigned serial number 12/087,767 and the papers identifying international application PCT/CA2007/00006 assigned serial number 12/226,183 as the U.S. national stage of international application PCT/CA2007/000006. Payment of the U.S. basic national fee was associated with serial number 12/226,183. Two copies of the return receipt postcard were returned to the applicant with separate U.S. serial numbers.

On 29 August 2008, applicant filed a declaration of the inventors. This document was added to the above-captioned application.

On 05 November 2008, applicant filed the present petition under 37 CFR 1.182.

On 02 June 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

DISCUSSION

The identifying information provided on the transmittal letter filed by applicant on 11 July 2008 i.e., the title, applicant-inventor information and priority date all correspond to that of PCT/CA2007/000065. The correct international application number appeared on page two of the filed Form PTO-1390. For these reasons, as well as the explanation provided in the present petition, it has been concluded that the national stage papers filed 11 July 2008 sufficiently identified international application PCT/CA2007/000065. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 12/087,767 will be treated as a U.S. national stage submission for PCT/CA2007/000065. The papers and fee payment made on 11 July 2008 and assigned U.S. serial number 12/226,183 will be moved to the above-captioned application and serial number 12/226,183 deactivated.

Applicant is advised that the declaration filed 29 August 2008 does not comply with 37 CFR 1.497(a)-(b). Specifically, the declaration has not been executed by inventors Lacourse, Ducharme and Gagnon. The declaration makes an improper priority claim to international application "PCT/CA2007/00006." Lastly, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains two separate supplemental sheets "5 of 5" individually executed by inventors Savaria and Meunier. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

The papers and fee payment made on 11 July 2008 and assigned U.S. serial number 12/226,183 will be moved to the above-captioned application and serial number 12/226,183 deactivated. Applicant should reference serial number 12/087,767 in all future communications with the USPTO relating to the national stage filing of PCT/CA2007/000065.

The Form PCT/DO/EO/905 mailed 02 June 2009 in application 12/226,183 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application number 12/087,767 as the U.S. national stage application of international application PCT/CA2007/000065 including the mailing of a new Form PCT/DO/EO/905 indicating that a compliant oath or declaration of the inventors is required.

Derek A. Putonen
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2/26/09

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	
SAKUMA, KOUICHI et al	:	DECISION ON REQUEST TO
Application No. 12/087,795	:	PARTICIPATE IN PATENT
Filed: Jul. 15, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. SAKU3005/GAL	:	PROGRAM AND PETITION
For: METHOD AND SEWING MACHINE FOR FORMING SINGLE-THREAD LOCKED HANDSTITCHES	:	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. 24, 2009, to make the above-identified application special. The petition does not contain any authorization to charge fee to the Deposit Account.

The petition is **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition met all conditions except Items #6 and #7 above. The request to participate in the PPH pilot program and petition fail to include:

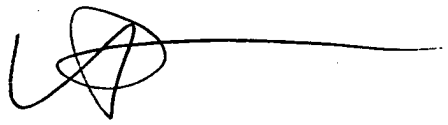
1. A copy of the foreign reference, namely, JPO 4-3234 as cited in the International Search Report , and

2. A petition fee under 37 CFR 1.17(h).

It is noted that during the prosecution in the JPO, there was no prior art references cited by the JPO patent examiner. The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/087,800	07/15/2008	Eiichi Sato	2293.021US1	2396

21186 7590 12/03/2009

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
ALAVI, ALI	

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of
Eiichi SATO
Application No.: 12/087,800
Filed: 15 July 2008
Attorney Docket No.: 2293.021US1
For: PLANAR ILLUMINATION LIGHT SOURCE DEVICE AND PLANAR ILLUMINATION LIGHT DEVICE USING THE PLANAR ILLUMINATION LIGHT SOURCE DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 22 October 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    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).

Conditions (1)-(4) and (6)-(7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (5).

Regarding the requirement of condition (5), Petitioner has failed to provide a copy of the JPO office action.

A proper response in this case must include:

(a) a copy of the JPO office action.

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.
12/087,800	07/15/2008	Eiichi Sato	2293.021US1	2396

21186 7590 01/15/2010
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
ALAVI, ALI	

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
01/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of
Eiichi SATO
Application No.: 12/087,800
Filed: 15 July 2008
Attorney Docket No.: 2293.021US1
For: PLANAR ILLUMINATION LIGHT SOURCE DEVICE AND PLANAR ILLUMINATION LIGHT DEVICE USING THE PLANAR ILLUMINATION LIGHT SOURCE DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 22 October 2009 and renewed on 23 December 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 once this application's formality reviews have been completed.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

United States Patent and Trademark Office

0 8 DEC 2008

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Horst M. Kasper
13 Forest Drive
Warren NJ 07059

In re Application of :
Brauer et al. :
Application No. 12/087,816 :
PCT No.: PCT/EP2007/000087 :
Int. Filing Date: 08 January 2007 : DECISION
Priority Date: 08 January 2007 :
Atty. Docket No.: WAG206 :
For: Method For Producing Molded :
Bodies From Proteins :

This is in response to the "Request To Accept Certified Translation..." filed on 14 October 2008.

BACKGROUND

This international application was filed on 08 January 2007, claimed no earlier priority date, and designated the U.S. The 30 month time period for paying the basic national fee in the United States will expire at midnight on 08 July 2009. Applicants filed, *inter alia*, the basic national fee on 14 July 2008.

On 14 November 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be "10/14/2008."

DISCUSSION

As a preliminary matter, applicants refer (e.g., in the Transmittal Letter and the "Claim of Priority" document filed on 14 July 2008) to a priority date of 12 January 2006, but no priority claim made during the international phase is reflected in the published international application or in the records available via the Patentscope service (at www.wipo.int). Clarification is requested.

Counsel requests the acceptance and use of a "revised version of the translation" filed on 14 October 2008. Counsel states that the translation filed on 14 July 2008 was defective because it "contained an incorrect set of 9 claims 1 to 9." Review of the published international application reveals that it includes seven claims. Based on the totality of the evidence of record, including counsels statement, it would be appropriate to conclude that the translation of the claims filed on 14 July 2008 was defective, and to accept the claims filed on 14 October 2008 as (part of) the English translation of the international application. Therefore, the requirements of 35 U.S.C. 371(c)(2) were satisfied on 14 October 2008.

Review of the executed dual language declaration filed on 18 September 2008 reveals that it does not appear to have been made on a form provided by the USPTO, nor do applicants appear to have made the statement required by 37 CFR 1.69(b). Nor has a declaration under

PCT Rule 4.17(iv) been provided. As such, it would not be appropriate to accept the declaration at this time.

The Notice of Acceptance mailed on 14 November 2008 is hereby **VACATED**, for the reasons described above.

DECISION

The request is **GRANTED**, to the extent noted.

Applicants are required to furnish an oath or declaration compliant with 37 CFR 1.497(a) and (b)(or the statement required by 37 CFR 1.69(b)) within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

30 JUL 2008

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576-1696

In re Application of GRÖNEMEYER et al.
Application No.: 12/087,823
PCT No.: PCT/EP06/11588
Int. Filing: 02 December 2006
Priority Date: 20 December 2005
Attorney Docket No.:Gronemeyer et al-3PCT
For: MAGNETIC FIELD APPLICATOR

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), an English translation of the international application and the processing fee for filing the English translation and the surcharge for filing the oath or declaration after the thirty month period, are required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

24 FEB 2009

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00324
JoAnn Villamizar
Ciba Corporation/Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown NY 10591

In re Application of :
ENGELBRECHT *et al* :
U.S. Application No.: 12/087,835 :
PCT No.: PCT/EP2007/050166 :
Int. Filing Date: 09 January 2007 : **DECISION**
Priority Date: 18 January 2006 :
Docket No.: CO/2-23434/EFK 14/PCT :
For: MULTIPURPOSE ADDITIVE FOR LOW VOC SOLVENT BASED COATINGS :

This decision is in response to applicants' "Petition Under Rule 1.47(b)" filed 18 December 2008 which is treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 29 September 2008, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration and surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 18 December 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by one of the two joint inventors on behalf of the nonsigning inventor; a $130.00 surcharge fee; a one-month extension of time and fee; documentary evidence in support of the petition (exhibits A - B); and authorization to charge any required fee to Deposit Account No. 03-1935.

DISCUSSION

Applicants claim that co-inventor Roedolph Van Bohemen refuses to cooperate and have filed the subject petition which is treated under 37 CFR 1.47(a) as one inventor is available.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the

nonsigning joint inventor.

The petition fee of $200.00 has been charged to Deposit Account No. 03-1935 as authorized. The last known address of the nonsigning inventor was provided. An executed declaration signed by the co-inventor on behalf of the nonsigning inventor was provided. This declaration meets the requirements of section 409.03(a) of the MPEP and 37 CFR 1.497(a) and (b).

Regarding item (2), applicants included documentary evidence showing that a complete copy of the subject application was sent by mail to the nonsigning inventor on 23 October 2008. Petitioners state that no response to this letter was received as of the date of mailing of the petition.

A refusal to cooperate may be shown by the conduct of the nonsigning inventor . *See* § 409.03(d) MPEP II. However, applicants must demonstrate that the nonsigning inventor received the documents containing the subject application and declaration and then failed to respond for a grantable petition. Here, there is no evidence in the petition that the documents mailed 23 October 2008 were received by Mr. Van Bohemen.

For this reason, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

19 JUN 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

00324
JoAnn Villamizar
Ciba Corporation/Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown NY 10591

In re Application of :
ENGELBRECHT *et al* :
U.S. Application No.: 12/087,835 :
PCT No.: PCT/EP2007/050166 :
Int. Filing Date: 09 January 2007 : **DECISION**
Priority Date: 18 January 2006 :
Docket No.: CO/2-23434/EFK 14/PCT :
For: MULTIPURPOSE ADDITIVE FOR LOW :
VOC SOLVENT BASED COATINGS :

This decision is in response to applicants' "Petition Under Rule 1.47(b)" filed 28 April 2009 which is treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 24 February 2009, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 28 April 2009, applicants filed a renewed petition which was accompanied by, *inter alia*, exhibits A - D.

DISCUSSION

The subject petition is being considered under 37 CFR 1.47(a), not 37 CFR 1.47(b). One of the two joint inventors, Lothar Alexander Engelbrecht, has joined the application and provided an executed declaration.

The 37 CFR 1.47(a) applicants failed to satisfy item (2) of 37 CFR 1.47(a) in the initial petition filed 18 December 2008. Specifically, petitioners failed to provide evidence showing that Mr. Van Bohemen received the documents containing the subject application and declaration and then failed to respond for a grantable petition. All other requirements of 37 CFR 1.47(a) were satisfied.

In the renewed petition, the 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was received by Mr. Van Bohemen on 11 March 2009. Applicants state that no response has been received as of 22 April 2009. A copy of the letter dated 09 March 2009 sent to the nonsigning inventor was provided

along with UPS receipts showing that the documents were delivered 11 March 2009. This evidence constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Item (2) of 37 CFR 1.47(a) is satisfied.

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 January 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 18 December 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

19 JUN 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Mr. Roedolph Van Bohemen
Alteveerstraat 183
7906 CG Hoogeveen
Netherlands

In re Application of
ENGELBRECHT *et al*
U.S. Application No.: 12/087,835
PCT No.: PCT/EP2007/050166
Int. Filing Date: 09 January 2007
Priority Date: 18 January 2006
Docket No.: CO/2-23434/EFK 14/PCT
For: MULTIPURPOSE ADDITIVE FOR LOW VOC SOLVENT BASED COATINGS

Mr. Van Bohemen:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Ciba Corporation/Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown NY 10591

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

JUN 08 2010

OFFICE OF PETITIONS

Applicant: Ying et al.
Appl. No.: 12/087,841
International Filing Date: January 20, 2006
Title: Synthesis of Alloyed Nanocrystals in Aqueous or Water-Soluble Solvents
Attorney Docket No.: S1507.70008US00
Pub. No.: US 2009/0220792 A1
Pub. Date: September 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 19, 2009, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material error in containing various errors in the text, such as "tlree" rather then "three", and "nm" rather than "μm".

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when **the Office makes a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The errors due to these single character misprints are, in this case, not Office error. The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and

[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).

drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

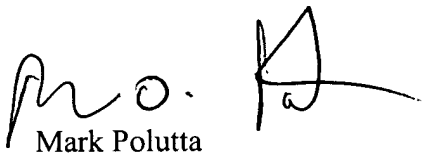
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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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	: Takayasu Fujiura	: DECISION ON REQUEST FOR
Patent Number	: 7645317	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/087,856	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/16/2008	: 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.

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30 JUL 2008

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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

In re Application of:	:	DECISION ON PETITION
MURATA, Seiichiro, et al.	:	
U.S. Application No.: 12/087,884	:	
PCT No.: PCT/JP2007/050292	:	
International Filing Date: 12 January 2007	:	
Priority Date: 13 January 2006	:	
Atty Docket No.: 121036-0126	:	
For: FLUORINE-CONTAINING ETHER ALCOHOL AND PROCESS FOR PRODUCING SAME	:	

The petition for revival under 37 CFR 1.137(b) filed 15 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 13 July 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 15 July 2008 submission also included an executed declaration and a translation of the international application into English. Deposit Account No. 12-2136 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date and the $130 processing fee for filing the English translation later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 July 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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December 16, 2009 BC

In re application of	:	DECISION ON REQUEST TO
Yoshihiro Serizawa et al.	:	PARTICIPATE IN PATENT
Serial No. 12/087,947	:	PROSECUTION HIGHWAY
Filed: July 17, 2008	:	PROGRAM AND
For: METHOD OF COOLING STEEL PLATE	:	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 November 11, 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P.O. BOX 224
MONROE CT 06468

COPY MAILED
FEB 16 2010

In re application of :
Juha Aalto :
Application No. 12/087,953 : NOTICE
Filed: July 16, 2008 :
Attorney Docket No. 540-025.006 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 6, 2009.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2008

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK, NY 10001-7708

In re Application of NAKAMURA	:	
U.S. Application No.: 12/087,958	:	
PCT Application No.: PCT/JP2006/324939	:	DECISION
Int. Filing Date: 14 December 2006	:	
Priority Date Claimed: 25 January 2006	:	
Attorney Docket No.: 08467/LH	:	
For: OPTICAL MODULE AND METHOD OF PRODUCING OPTICAL MODULE	:	

This is in response to applicant's "Petition Under 37 CFR 1.181 to Correct Filing Date of Application" filed 26 August 2008, which is being treated under 37 CFR 1.10(c).

BACKGROUND

On 14 December 2006, applicant filed international application PCT/JP2006/324939, which claimed priority of an earlier Japan application filed 25 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 July 2008.

On 18 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the Express Mail Post Office to Addressee service of the USPS ("Express Mail"). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 August 2008, applicant filed the present petition under 37 CFR 1.10(c).

DISCUSSION

37 CFR 1.10(c) states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee"

> service of the USPS, who can show that 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 Commissioner 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.

With regard to item (1) above, the petition was promptly filed after applicant became aware of the accorded filing date.

With regard to item (2) above, a review of the Transmittal Letter (Form PTO-13902) and the Customer Copy of the Express Mail mailing label indicates that the Express Mail mailing label number was placed on the correspondence in question prior to the original mailing by Express Mail.

With regard to item (3) above, the Express Mail mailing label shows a "date-in" of 18 July 2008.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.10(c) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 14 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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23 NOV 2009

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Paul E. Purwin
ExxonMobil Research & Engineering Co.
1545 Route 22 East
P.O. Box 900
Annadale, NJ 08801-0900

In re Application of :
TIMMLER et al. :
Application No.: 12/087,982 : DECISION ON PETITION
PCT No.: PCT/US2007/001063 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 January 2007 :
Priority Date: 17 January 2006 :
Attorney Docket No.: 2007EM019-US :
For: SELECTIVE CATALYSTS FOR :
NAPHTHA HYDRODESULFURIZATION

The petition to revive under 37 CFR 1.137(b) filed 20 October 2009 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in f ling 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 oath/declaration 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

2 4 SEP 2008

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DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403

In re Application of	:	
Jeyaseelan et al.	:	
Application No.: 12/087,989	:	DECISION ON
PCT No.: PCT/SG2006/000162	:	
Int. Filing Date: 16 June 2006	:	PETITION UNDER
Priority Date: 17 June 2005	:	
Attorney Docket No.: L2005.0052/P052	:	37 CFR 1.137(b)
For: PHOSPHOLIPASE(S) AND USE(S) THEREOF	:	

This decision is in response to applicant's Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) filed 18 July 2008. Applicant claims small entity status and the required $770.00 petition fee has been paid.

BACKGROUND

On 16 June 2006, applicant filed international application PCT/SG2006/000162 that designated the U.S. and claimed a priority date of 17 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 December 2007.

On 18 July 2008, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally 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), Deposit Account 04-1073 was charged for the basic national fee on 22 July 2008.

As to item (2), Deposit Account 04-1073 was charged for the petition fee on 22 July 2008.

As to item (3), applicant provided the required statement on 18 July 2008.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Susan C. Wolski
PCT Special Programs Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3304

Leonard Smith
Supervisory PCT Legal Examiner
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3297

0 6 APR 2009

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of:
PARK, Sung-ik, et al.
U.S. Application No.: 12/088,040
PCT No.: PCT/KR2005/004541
International Filing Date: 26 December 2005
Priority Date: 29 September 2005
Atty's Docket No.: CU-6481 WWP
For: APPARATUS FOR EQUALIZING CHANNEL IN FREQUENCY DOMAIN AND METHOD THEREOF

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition In Support Of Joint Inventors Filing On Behalf Of Nonsigning Unavailable Inventor Under 37 CFR 1.47" filed 01 December 2008 and the "Renewed Petition Under 37 CFR 1.47(a) & Submission Of Declaration/Power Of Attorney" filed on 12 March 2009. Deposit Account No. 12-0400 will be charged the required $200 petition fee.

BACKGROUND

On 26 December 2005, applicants filed international application PCT/KR2005/004541. The international application claimed a priority date of 29 September 2005, and it designated the United States. On 05 April 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 March 2008.

On 25 March 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 07 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 01 December 2008, applicants filed a response to the Notification Of Missing Requirements (with three-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered

herein. The petition requested acceptance of the application without the signature of inventor Seung-Won KIM, whom applicants asserted had refused to execute the application.

On 12 March 2009, applicants filed the "Renewed Petition Under 37 CFR 1.47(a) & Submission Of Declaration/Power Of Attorney" also considered herein. This submission included a declaration executed by previously non-signing inventor Seung-Won KIM.

DISCUSSION

Applicants' original petition, filed 01 December 2008, was accompanied by a declaration executed by five of the six inventors of record. The renewed petition filed 12 March 2009 included a declaration executed by the previously non-signing inventor, Seung-Won KIM. Based on the above, applicants have now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, applicants' petition under 37 CFR 1.47(a) seeking acceptance of the application without the signature of all inventors is now moot.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT.**

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 12 March 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

MAILED

AUG 17 2009

OFFICE OF PETITIONS

Applicant: Normark et al.
Appl. No.: 12/088,055
International Filing Date: September 29, 2005
Title: POWER EFFICIENT SOFTWARE RECEIVER FOR SPREAD SPECTRUM SIGNALS
Attorney Docket: 025522-000011
Pub. No.: US 2009/0070308 A1
Pub. Date: January 8, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 10, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains the material error of not including a preliminary amendment.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to failure to include the preliminary amendment in the publication is not an Office error. See 37 CFR 1.215(a). Applicant's attention is further directed to MPEP 1130(B), which clearly states "failure to include an amendment is not an Office error . . . [a] request for corrected publication under 37 CFR 1.221(b) may result in a patent term adjustment reduction where the Office made only non-material errors."

Applicant did not file a substitute specification including the amendment. Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements.

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on February 10, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

A "request for republication of an application previously published" filed under 37 CFR 1.221(a) "must include a copy of the application compliance with the Office's electronic filing system [EFS] requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." Applicant's petition does not comply with the EFS requirements. The republication will not take place and the publication fee set forth in § 1.18(d) has not been charged. The processing fee will be retained.

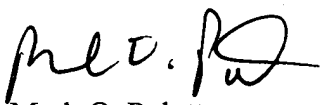
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



Mark O. Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

3 0 MAY 2008

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BELL, BOYD & LLOYD, LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of :
DIEGEL, Heike et al. :
U.S. Application No.: 12/088,063 :
PCT No.: PCT/EP2006/066463 :
Int. Filing Date: 18 September 2006 : DECISION
Priority Date: 28 September 2005 :
Attorney Docket No.: 119010-381 :
For: METHOD AND DEVICE FOR CHECKING THE FUNCTION FOR INVERTING THE POLARITY ON A SUBSCRIBER LINE COMPRISING A PLURALITY OF WIRES :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 18 September 2006, applicant filed international application PCT/EP2006/066463, claiming a priority date of 28 September 2005. A copy of the international application was transmitted to the Office by the International Bureau on 05 April 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 28 March 2008.

On 25 March 2008, applicant filed a national phase entry accompanied by, *inter alia*, the basic national fee. It was assigned serial number 12/088,063.

On 28 March 2008, a second national phase entry attempt was filed for the above international application. It was assigned serial number 12/088,650.

On 13 May 2008, applicant filed a declaration and power of attorney in 12/088,063

DISCUSSION

Applicant has submitted two sets of papers for the national stage entry of international application number PCT/EP2006/066463. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

Accordingly, the two entries have been consolidated into a single application. The duplicate fees will be refunded to deposit account no. 02-1818, as authorized.

All future correspondence in regards to the national phase of PCT/EP2006/066463 should use the 12/088,063.

CONCLUSION

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being referred to the National Stage Processing Division of the Office of Patent Application Processing for further processing consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 13 May 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

01 JUL 2008

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03624
VOLPE & KOENIG, P.C.
United Plaza, Suite 1600
30 South 17TH Street
Philadelphia, PA 19103

In re Application of :
SALES, Luis Carlos Monteiro :
U.S. Application No.: 12/088,075 :
PCT No.: PCT/BR2006/000189 :
Int. Filing Date: 12 September 2006 :
Priority Date: 12 September 2005 :
Docket No.: APA-PT019 :
For: COLD START UP AUXILIARY SYSTEM FOR ALCOHOL AND FLEX ENGINES WITH AIR-INLET AND ALCOHOL WARM UP :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 25 March 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 4 AUG 2008

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of :
Urashima :
Application No.: 12/088,076 :
PCT No.: PCT/JP2006/319608 :
Int. Filing Date: 25 September 2006 : DECISION
Priority Date: 26 September 2005 :
Attorney Docket No.: Q90675 :
For: Process For Fabrication Of Nitride :
Semiconductor Light Emitting Device :

This is in response to the correspondence filed on 25 March 2008.

BACKGROUND

International application PCT/JP2006/319608 was filed on 25 September 2006, claimed an earliest priority date of 26 September 2005, and designated the United States. The International Bureau transmitted the published international application to the USPTO on 29 March 2007. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 26 March 2008. A basic national fee was paid in application no. 12/088,076 on 25 March 2008.

DISCUSSION

Review of the application file reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter filed on 25 March 2008 is directed to international application no. "PCT/JP2006/319608," but the Electronic Acknowledgment Receipt dated 25 March 2008 refers to "PCT/US06/19608" instead. The First Named Inventor and the Title of Invention appearing on said Receipt are consistent with PCT/JP2006/319608. The declaration filed on 25 March 2008 is directed toward PCT/JP2006/319608. The inventor's name, international filing date, priority date and title listed on the Transmittal Letter are also consistent with those indicated in PCT/JP2006/319608, suggesting that the 25 March 2008 filing may have been intended as the national stage entry under 35 U.S.C. of PCT/JP2006/319608. However, in view of the discrepancy, it is not adequately clear which international application was intended to enter the national stage in the United States. A proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity.

DECISION

Applicants have **TWO (2) MONTHS** from the mailing date of this decision, extendable under 37 CFR 1.136(a), to file a response clarifying the status of the papers submitted on 25 March 2008.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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2 9 AUG 2008

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SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Urashima	:	
Application No.: 12/088,076	:	
PCT No.: PCT/JP2006/319608	:	
Int. Filing Date: 25 September 2006	:	DECISION
Priority Date: 26 September 2005	:	
Attorney Docket No.: Q90675	:	
For: Process For Fabrication Of Nitride Semiconductor Light Emitting Device	:	

This is in response to the petition under 37 CFR 1.182 filed on 21 August 2008.

DISCUSSION

In a Decision mailed on 04 August 2008, it was noted that

> Review of the application file reveals ambiguity as to which international application was intended to enter the national stage. The Transmittal Letter filed on 25 March 2008 is directed to international application no. "PCT/JP2006/319608," but the Electronic Acknowledgment Receipt dated 25 March 2008 refers to "PCT/US06/19608" instead. The First Named Inventor and the Title of Invention appearing on said Receipt are consistent with PCT/JP2006/319608. The declaration filed on 25 March 2008 is directed toward PCT/JP2006/319608. The inventor's name, international filing date, priority date and title listed on the Transmittal Letter are also consistent with those indicated in PCT/JP2006/319608, suggesting that the 25 March 2008 filing may have been intended as the national stage entry under 35 U.S.C. of PCT/JP2006/319608. However, in view of the discrepancy, it is not adequately clear which international application was intended to enter the national stage in the United States. A proper petition under 37 CFR 1.182 (and associated petition fee) is required in order to resolve this ambiguity.

In response, petitioner confirms that this application was intended as the national stage entry under 35 U.S.C. 371 of PCT/JP2006/319608, and asserts that the reference to "PCT/US06/19608" in the Electronic Acknowledgment Receipt "is incorrect and an inadvertent error made in entering the application data upon EFS filing." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statement that this application was intended as the national stage of PCT/JP2006/319608.

Regarding the refund request, petitioner is respectfully advised that treatment of this matter under 37 CFR 1.182 was necessitated, under existing USPTO policy, by the apparent error in entering the international application number into EFS-Web; this error resulted in ambiguity as to which international application was intended, and led the USPTO to commence processing under the wrong application number. As the petition was properly brought under 37 CFR 1.182, refund of the petition fee would not be appropriate under the facts presented in this case.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/JP2006/319608. This processing will include the correction of the electronic records of the USPTO to reflect the correct international application number, PCT/JP2006/319608. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **25 March 2008**.

/George Dombroske/
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UNITED STATES PATENT AND TRADEMARK OFFICE

21 MAY 2008

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LATHAM NY 12110

In re Application of:
INCERTIS CARRO, Fernando, et al.
U.S. Application No.: 12/088,094
PCT No.: PCT/EP2006/064646
Int. Filing Date: 25 July 2006
Priority Date: 07 October 2005
Attorney's Docket No.: FR920050084US1
For: METHOD AND SYSTEMS FOR LINKING SOURCES TO COPIED TEXT

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' submission on 26 March 2008 of a declaration executed on behalf of deceased inventor Fernando INCERTIS CARRO by the deceased inventor's executrix. The submission is treated herein as a submission under 37 CFR 1.42.

BACKGROUND

On 25 July 2006, applicants filed international application PCT/EP2006/064646. The international application claimed a priority date of 07 October 2005, and it designated the United States. On 19 April 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 April 2008.

The published international application identified two applicant/inventors with respect to the United States: Fernando INCERTIS CARRO and Ghislain IMBERT DE TREMIOLLES.

On 26 March 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a declaration executed on behalf of deceased inventor Fernando INCERTIS CARRO by his executrix. This declaration is considered below under 37 CFR 1.42.

It is noted that the declaration did not name and was not executed by the second inventor, Ghislain IMBERT DE TREMIOLLES.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 26 March 2008 indicates that inventor Fernando INCERTIS CARRO is deceased, and it indicates that the person signing on his behalf, Rita Asuncion Jarillo Sanchez, is the executrix of the deceased inventor. However, it is not clear whether the citizenship, residence, and mailing address information provided in the declaration is that of the deceased inventor or the legal representative, as required by 37 CFR 1.497(b)(2). Moreover, regardless of whose citizenship information has been provided, the signature box does not expressly indicate the citizenship of both the legal representative and the deceased inventor, as required.

In addition, the declaration fails to comply with 37 CFR 1.497(a) in that it does not identify (and is not executed by) all the inventors of record. Specifically, inventor Ghislain IMBERT DE TREMIOLLES is not named on and has not executed such declaration. See MPEP section 1893.01(e): "The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*."

Applicants must provide a revised declaration executed by the surviving inventor and the executrix of the deceased inventor that includes all information required under 37 CFR 1.497,

including the citizenship, residence, and mailing address of the legal representative and the citizenship of the deceased and surviving inventors.

CONCLUSION

The declaration filed 26 March 2008 under 37 CFR 1.42 is **REJECTED** without prejudice on the present record.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment.

Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed by the surviving inventor and the legal representative that includes all the information required by 37 CFR 1.497, including the citizenship, residence, and mailing address of the legal representative, and the citizenship of the deceased and surviving inventors. Applicants must also submit payment of the surcharge for filing the declaration later than thirty months after the priority date.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2008

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In re Application of:
INCERTIS CARRO, Fernando, et al.
U.S. Application No.: 12/088,094
PCT No.: PCT/EP2006/064646
Int. Filing Date: 25 July 2006
Priority Date: 07 October 2005
Attorney's Docket No.: FR920050084US1
For: METHOD AND SYSTEMS FOR LINKING SOURCES TO COPIED TEXT

DECISION ON RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission 14 July 2008 of a revised declaration executed on behalf of deceased inventor Fernando INCERTIS CARRO by the deceased inventor's executrix. The submission is treated herein as a renewed submission under 37 CFR 1.42 and 1.497.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 21 May 2008. That decision indicated that the declaration filed by applicants on 26 March 2008 was unacceptable under 37 CFR 1.42 and 1.497 for failure to include all required information regarding the legal representative of the deceased inventor, and for failure to include the second inventor of record herein, Ghislain IMBERT DE TREMIOLLES.

On 14 July 2008, applicants filed the submission considered herein, accompanied by a revised declaration and the surcharge required for filing the declaration later than thirty months after the priority date.

DISCUSSION

The revised declaration document filed on 14 July 2008 sets forth the address and citizenship of the legal representative of the deceased inventor, as well as the citizenship of the deceased inventor, as required. The revised declaration also names and is executed by the second inventor of record, Ghislain IMBERT DE TREMIOLLES. The revised declaration therefore resolves the defects in the previous declaration discussed in the decision mailed 21 May 2008.

However, the revised declaration document filed 14 July 2008 appears to be an unacceptable compilation of multiple documents, and therefore is not acceptable as submitted. As set forth in MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation here is evident from the fact that the four-page declaration document submitted contains one copy each of pages 1 and 2, but two different copies of page 3, each signed by a different applicant. Applicants must provide copies of the complete three-page revised declaration executed by the legal representative of the deceased inventor and the surviving inventor. Until such materials are provided, applicants have not submitted acceptable declarations under 37 CFR 1.42 and 1.497.

CONCLUSION

The revised declaration document filed 14 July 2008 under 37 CFR 1.42 is **REJECTED** without prejudice on the present record.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment.

Extensions of time are available under 37 CFR 1.136(a).

A proper response must include copies of the complete three-page revised declaration executed by the legal representative of the deceased inventor and the surviving inventor, as opposed to the apparent compilation of such declarations filed on 14 July 2008.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

15 APR 2009

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In re Application of:
INCERTIS CARRO, Fernando, et al.
U.S. Application No.: 12/088,094
PCT No.: PCT/EP2006/064646
Int. Filing Date: 25 July 2006
Priority Date: 07 October 2005
Attorney's Docket No.: FR920050084US1
For: METHOD AND SYSTEMS FOR LINKING SOURCES TO COPIED TEXT

DECISION ON SECOND RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission 06 October 2008 of revised declarations executed on behalf of deceased inventor Fernando INCERTIS CARRO by the deceased inventor's executrix and by the surviving inventor. The submission is treated herein as a second renewed submission under 37 CFR 1.42 and 1.497.

BACKGROUND

The procedural background for this application was set forth in the decisions mailed on 21 May 2008 and 30 September 2008. The most recent decision indicated that the declaration filed on behalf of the deceased inventor included all information required under 37 CFR 1.42 and 1.497; however, the decision indicated that the filed declaration was in unacceptable form. Specifically, the declaration appeared to be a compilation of two separate copies of the declaration.

On 06 October 2008 applicants filed the revised declaration documents considered herein.

DISCUSSION

The two three-page declaration documents filed 06 October 2008 appear to be revised versions of the previously filed declaration which have been inappropriately modified after the declarations were executed. Specifically, while the signatures on these declarations are copies of those contained on the signature pages of the compiled declaration filed 14 July 2008, the signature pages themselves have been modified so that each signature page includes the signature block of only one of the inventors (the previously filed version of the declaration included both signature blocks on the same page). As set forth in MPEP section 602.01:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required.

The revised declarations filed 06 October 2008 are unacceptable based on their post-execution modification. Moreover, the declarations are also defective in their current form in that each declaration fails to properly identify both inventors (each declaration lists and is executed by or on behalf of only 1 of the 2 inventors of record).

Applicants must provide complete copies of a newly executed declaration(s) which include all information required under 37 CFR 1.42 and 1.497, including the citizenship of both the deceased inventor and the executrix, the residence and post office address of the executrix, and the names and citizenship of both inventors of record. Until such materials are provided, applicants have not submitted acceptable declarations under 37 CFR 1.42 and 1.497.

CONCLUSION

The revised declarations document filed 06 October 2008 under 37 CFR 1.42 are **REJECTED** without prejudice on the present record.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment.

Extensions of time are available under 37 CFR 1.136(a).

A proper response must include complete copies of a newly executed declaration(s) which include all information required under 37 CFR 1.42 and 1.497, including the citizenship of both the deceased inventor and the executrix, and the residence and post office address of the executrix, and the names and citizenship of both inventors of record.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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13 NOV 2009

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SUITE 302
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In re Application of:
INCERTIS CARRO, Fernando, et al.
U.S. Application No.: 12/088,094
PCT No.: PCT/EP2006/064646
Int. Filing Date: 25 July 2006
Priority Date: 07 October 2005
Attorney's Docket No.: FR920050084US1
For: METHOD AND SYSTEMS FOR LINKING SOURCES TO COPIED TEXT

DECISION ON THIRD RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants submission of revised declarations on 28 May 2009, treated here as a third renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decisions mailed herein on 21 May 2008, 30 September 2008, and 15 April 2009. Those decisions rejected applicants' previous requests for status under 37 CFR 1.42 with respect to deceased inventor Fernando INCERTIS CARRO based on applicants' failure to file an acceptable oath or declaration executed by the surviving inventor and on behalf of the deceased.

On 28 May 2009, applicants filed the revised declaration considered herein.

DISCUSSION

The 28 May 2009 submission includes revised declarations executed by the surviving co-inventor and on behalf of deceased inventor Fernando INCERTIS CARRO by the deceased inventor's executrix Rita Asuncion Jarillo Sanchez. The declarations include all required information with respect to the deceased inventor and the executrix, including the citizenship, residence, and mailing address of the executrix and the citizenship of the deceased inventor. Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the revised declarations filed 28 May 2009 is appropriate.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Fernando INCERTIS CARRO is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 May 2009.

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07 JUL 2008

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ALEXANDRIA VA 22314

In re Application of	:	
CATELLI	:	
Application No.: 12/088,147	:	
PCT No.: PCT/EP05/10527	:	DECISION ON PAPERS
Int. Filing Date: 29 September 2005	:	
Priority Date: NONE	:	UNDER 37 CFR 1.42
Attorney Docket No.: 324135US6PCT	:	
For: SIZE-REDUCIBLE FOLDING TRICYCLE FOR CHILDREN	:	

This application is in before the Office of PCT Legal Administration for issues arising under 37 CFR 1.497. The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 29 September 2005, applicant filed international application PCT/EP05/10527. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 April 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 March 2008.

On 26 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; an Application Data Sheet; assignment document and the combined declaration and power of attorney discussed herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 26 March 2008 is executed by Michele Catelli as legal representative of the estate of deceased inventor, Pietro Catelli. The declaration provides the citizenship for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 29 September 2005 and will be given a date of **26 March 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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APR 19 2010

OFFICE OF PETITIONS

Applicants: Paul Marrs, et al.
Appl. No.: 12/088,148
International Filing Date: September 28, 2006
Title: DEVICE FOR EMANATING AN ACTIVE AGENT
Attorney Docket No.: 102792-846(11685P1)
Pub. No.: US 2009/0247736 A1
Pub. Date: October 9, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 13, 2009 for the above-identified application.

The request is dismissed.

Applicant request that the application be republished as the original publication contains the incorrect PCT filing date.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on January 13, 2009, was not timely filed under 37 CFR 1.221(b).

Due to the nature of the error in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

[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).

On June 27, 2008, a Filing Receipt was mailed by the Office, which listed the incorrect PCT filing date. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

25 MAR 2009

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POLYONE CORPORATION
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AVON LAKE OH 44012

In re Application of	:	
HORTON et al.	:	
Application No.: 12/088,149	:	DECISION
PCT No.: PCT/US2006/060005	:	
Int. Filing Date: 16 October 2006	:	
Priority Date: 17 October 2005	:	
Attorney's Docket No.: 1200407 WO	:	
For: THERMOPLASTIC POLYURETHANE POWDER COMPOSITIONS AND USES	:	

This decision is in response to applicants' "Petition to Correct Domestic Priority Data and Request for Corrected Official Filing Receipt" filed in the United States Patent and Trademark Office (USPTO) on 23 January 2009, which has properly been treated as a petition under 37 CFR 1.182. The petition fee has been paid.

BACKGROUND

On 26 March 2008, applicant filed a Transmittal Letter for entry into the national stage in the United States (Form PTO-1390), which was accompanied by, *inter alia*, the basic national fee.

On 22 May 2008, a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 June 2008, applicants filed a submission indicating that a declaration of inventors had been provided in the international application under PCT Rule 4.17(iv).

On 18 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 04 June 2008.

On 18 July 2008, the DO/EO/US also mailed a FILING RECEIPT indicating that the application was a 371 of PCT/US06/06005.

On 23 January 2009, applicant submitted the instant "Petition to Correct Domestic Priority Data and Request for Corrected Official Filing Receipt," which has properly been treated as a petition under 37 CFR 1.182.

DISCUSSION

The submission filed 26 March 2008 was filed electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/US06/06005. The international application number indicated on the ADS was PCT/US2006/06005. The Transmittal Letter indicates the international application number as PCT/US2006/060005. The application papers were properly processed as the national stage application of international application PCT/US2006/006005.

A review of the application file including counsel's statements in the instant submission, as well as a review of the USPTO file for PCT/US2006/006005, reveals that the indication of international application PCT/US2006/006005 was incorrect, and that the present application should in fact be the national stage application of international application PCT/US2006/060005. Accordingly, the NOTICE OF ACCEPTANCE and the FILING RECEIPT mailed 18 July 2008 are hereby VACATED

CONCLUSION

For the reasons set forth above, applicants' petition under 37 CFR 1.182 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for: (1) correcting PALM to indicate that the above-identified application is the national stage of PCT/US2006/060005 rather than PCT/US2006/006005; and (2) mailing of a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 and Filing Receipt indicating the international application as PCT/US2006/060005.

/Daniel Stemmer/

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Legal Examiner

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,155	08/19/2008	Kevin Oliver Raser	341804-1010	8257

7590 09/03/2009

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ATLANTA, GA 30339-5994

EXAMINER	
MEYER, JACOB B	

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
09/03/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☒ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

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.
12/088,155	08/19/2008	Kevin Oliver Raser	341804-1010	8257

7590 11/23/2009

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
MEYER, JACOB B	

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
11/23/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,194		Tohru NAKAGAWA	14434.0179USWO	8652

53148 7590 07/14/2008
HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS MN 55402

In re Application of
Tohru NAKAGAWA, et al.
Application No.: 12/088,194
Filed: 03/26/2008
Attorney Docket No.: 14434.0179USWO

For: METHOD OF MOUNTING ELECTRONIC CIRCUIT CONSTITUTING MEMBER AND RELEVANT MOUNTING APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 9 July 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition meet the requirements (1) through (7), above. It is noted that the JPO application is a first action allowance, and no office action from the JPO is necessary.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

27 MAY 2008

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Thor B. Nielsen
Connolly Bove Lodge & Hutz, LLP
1875 Eye Street, NW, Suite 1100
Washington, DC 20006

In re Application of :
NOBIS, Markus :
U.S. Application No. 12/088,212 :
PCT No.: PCT/EP06/65947 :
Int. Filing Date: 04 September 2006 : DECISION ON PETITION
Priority Date: 26 September 2005 : (37 CFR 1.182)
Attorney Docket No.: 15637-00015-US :
For: INTRAMOLECULAR PRINS REACTION :
AND CATALYSTS SUITABLE THEREFOR
(CITRONELLAL TO ISOPULEGOL)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed 16 May 2008 that seeks to correct the international application number on the national stage application papers filed 26 March 2008 so as to allow such materials to be treated as the U.S. national stage of PCT/EP06/65947. Deposit Account No. 22-0185 will be charged the required $400 petition fee.

BACKGROUND

On 04 September 2006, applicants filed international application No. PCT/EP06/65947, which claimed a priority date of 26 September 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 April 2008.

On 26 March 2008, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 12/088,212.

The materials filed 26 March 2008 included a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/EP06/65947, filed 04 September 2006. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/EP06/65047. Thus, applicants' 26 March 2008 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/EP06/65047 and PCT/EP06/65947.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/EP06/65047, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 26 March 2008 can be treated as having been directed to international application PCT/EP06/65947, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 16 May 2008, applicants confirm that the listing of international application PCT/EP06/65047 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/EP06/65947. It is noted that the correct international application number was listed on the Transmittal Letter filed 26 March 2008, and it is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/EP06/65947. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 26 March 2008 and to permit such materials to be treated as having been directed to international application PCT/EP06/65947.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 26 March 2008 have been assigned U.S. application number 12/088,212, and will be treated as the national stage of PCT/EP06/65947.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

15 MAY 2009

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SCHOPPE, ZIMMERMANN , STOCKELER & ZINKLER
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
BOCHE et al.	:	
Serial No.: 12/088,253	:	DECISION ON
PCT App. No.: PCT/DE06/001653	:	
Int'l Filing Date: 18 September 2006	:	PETITION UNDER
Priority Date: 28 September 2005	:	
Attorney Docket No.: 50501.68	:	37 CFR 1.181
For: SIGNALING METHOD FOR DECENTRALIZED ALLOCATION OF ONLINE TRANSMISSION POWER IN A WIRELESS NETWORK	:	

This is a decision on applicant's "Petition Under 37 CFR 1.181(a) to Withdraw the Holding of Abandonment Based on Failure to Receive Office Action in Accordance with MPEP 711.03(c)(I)(A)", filed on 02 March 2009 in the US Patent and Trademark Office. No petition fee is required.

BACKGROUND

On 22 June 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 06 February 2008, the Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration, in compliance with 37 CFR 497(a) and (b) and executed by the inventor, was required. The notification set a TWO (2) MONTH period for response.

On 05 January 2009, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 06 February 2008.

On 06 March 2009, applicant filed the present petition requesting that the Office withdraw the holding of abandonment because applicant did not receive the Notification of Missing Requirements. Applicant also submitted a declaration and power of attorney, executed by the inventors.

DISCUSSION

In order to establish that papers were not received, a petition under 37 CFR 1.181 with a proper showing is required. No petition fee is required.

As set forth in MPEP Section 711.03(c):

> [T]he 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.
>
> The 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.

Practitioner makes the statement that the Office action was not received by the practitioner and describes the system used for recording an Office action received at the correspondence address of record with the USPTO. Practitioner also states that he "personally searched the firm's records including the electronic file that stores all correspondence received from the U.S. Patent Office for the above-identified application and did not find a copy of the Notification of Missing Requirements...mailed on June 30, 2008". Practitioner also states he personally searched the docket records for the dates July 1 through July 3, 2008.

While a copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received was provided, the record provided was incomplete as these records did not reflect the date that the reply was due (or 02 September 2008 since 30 August was a Saturday, 31 August was a Sunday and 1 September was a federal holiday). The docket record showing all due date entries for the response due date of 30 August 2008 through 02 September 2008 is required to show that applicant did not receive a copy of the Notification of Missing Requirements as set forth in MPEP 711.03(c)IA. Thus, applicant has not yet provided the proper showing necessary to withdraw the holding of abandonment as explained above. The petition under 37 CFR 1.181 is dismissed.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **DISMISSED without prejudice**.

The application remains **ABANDONED**.

Any reconsideration on the merits of this petition must be filed within TWO (2) MONTHS from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone:(571) 272-3286
Facsimile: (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 JUN 2009

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SCHOPPE, ZIMMERMANN , STOCKELER & ZINKLER
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of :
BOCHE et al. :
Serial No.: 12/088,253 : DECISION ON
PCT App. No.: PCT/DE06/001653 :
Int'l Filing Date: 18 September 2006 : PETITION UNDER
Priority Date: 28 September 2005 :
Attorney Docket No.: 50501.68 : 37 CFR 1.137(b)
For: SIGNALING METHOD FOR :
DECENTRALIZED ALLOCATION OF ONLINE :
TRANSMISSION POWER IN A WIRELESS NETWORK

The petition to revive under 37 CFR 1.137(b) filed 20 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the declaration in compliance with 37 CFR 1.497(a) and (b) was provided on 01 April 2009 and is acceptable. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **01 April 2009.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone:(571) 272-3286
Facsimile: (571) 272-0459

United States Patent and Trademark Office

0 5 DEC 2008

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OBLON, SPIVAK, MCCLELLAND MAIER
& NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Adler et al.	:	
Application No.: 12/088,286	:	DECISION
PCT No.: PCT/EP2006/063316	:	
Int. Filing Date: 19 June 2006	:	ON
Priority Date: 27 September 2005	:	
Attorney Docket No.: 320766US0PCT	:	PETITION
For: Process For Producing Monosilane	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 13 October 2008.

BACKGROUND

This international application was filed on 19 June 2006, claimed an earliest priority date of 27 September 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 April 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 27 March 2008. Applicants filed *inter alia* the basic national fee on 27 March 2008..

On 11 June 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Petitioner alleges that joint inventor Yuriy Kasatkin has refused to execute the declaration. A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided a "Declaration Under 37 C.F.R. § 1.132" signed by Stefanie Bockelkamp, who indicates that, on 01 August 2008, she sent a letter accompanied (*inter alia*) by a Declaration and a "copy of the entire application" to Mr. Kasatkin at his last known address. She further states that she sent a reminder letter on 28 August 2008, but, as of 08 October 2008, Mr. Kasatkin had not returned an executed declaration. Inspection of the attached copy of the letters dated 01 August 2008 and 28 August 2008 reveals that the letter does not clearly identify the application to which it is directed; the reference number appearing on the letter does not appear to match the attorney docket number of the instant application.

Petitioner should clarify whether the reference number appearing on the letters does in fact identify this particular application.

Regarding **requirement (3)**, the petition includes a statement of the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 13 October 2008 reveals that it nominates "Yuriy Kasatkin" in place of "KASATKIN, Yurity" named in the published international application, but applicants have not explained this discrepancy. In addition, the dual-language declaration does not appear to have been made on a form provided by the USPTO, nor in accordance with PCT Rule 4.17(iv), but it lacks the statement required by 37 CFR 1.69(b). As such, it would not be appropriate to accept the declaration at this time.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 4 MAR 2009

United States Patent and Trademark Office

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OBLON, SPIVAK, MCCLELLAND MAIER
& NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Adler et al.	:	
Application No.: 12/088,286	:	DECISION
PCT No.: PCT/EP2006/063316	:	
Int. Filing Date: 19 June 2006	:	ON
Priority Date: 27 September 2005	:	
Attorney Docket No.: 320766US0PCT	:	PETITION
For: Process For Producing Monosilane	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 05 January 2009.

DISCUSSION

In a Decision mailed on 05 December 2008, the petition under 37 CFR 1.47(a) filed on 13 October 2008 was dismissed, without prejudice, because

> Regarding **requirement (2)**, petitioner has provided a "Declaration Under 37 C.F.R. § 1.132" signed by Stefanie Bockelkamp, who indicates that, on 01 August 2008, she sent a letter accompanied (*inter alia*) by a Declaration and a "copy of the entire application" to Mr. Kasatkin at his last known address. She further states that she sent a reminder letter on 28 August 2008, but, as of 08 October 2008, Mr. Kasatkin had not returned an executed declaration. Inspection of the attached copy of the letters dated 01 August 2008 and 28 August 2008 reveals that the letter does not clearly identify the application to which it is directed; the reference number appearing on the letter does not appear to match the attorney docket number of the instant application. Petitioner should clarify whether the reference number appearing on the letters does in fact identify this particular application.
>
> Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 13 October 2008 reveals that it nominates "Yuriy Kasatkin" in place of "KASATKIN, Yurity" named in the published international application, but applicants have not explained this discrepancy. In addition, the dual-language declaration does not appear to have been made on a form provided by the USPTO, nor in accordance with PCT Rule 4.17(iv), but it lacks the statement required by 37 CFR 1.69(b). As such, it would not be appropriate to accept the declaration at this time.

In response, with respect to requirement (2), petitioner has provided a "Second Declaration Under 37 C.F.R. § 1.132" signed by Stefanie Bockelkamp, who states in part that

> The EVONIK DEGUSSA reference number "2005P30061WO (06547WO)" and title "Verfahren zur Herstellung von Monosilan" appearing on the letters sent to

Yuriy KASATKIN on 01 August 2008 and 28 August 2008 correspond to International Application No. PCT/EP2006/063316 and to the above-identified U.S. Application No. 12/088,286." Taken together with the evidence previously of record, this showing is a sufficient basis to conclude that Mr. Kasatkin's failure to return the executed declaration constitutes a constructive refusal within the meaning of 37 CFR 1.47(a).

With respect to requirement (4), petitioner has provided a copy of Form PCT/IB/306 showing that the inventor's name was changed to "KASATKIN, Yuriy" during the international phase, pursuant to PCT Rule 92*bis*. Petitioner has also made the statement required by 37 CFR 1.69(b). As such, it would now be appropriate to accept the declaration filed on 13 October 2008 in satisfaction of requirement (4).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **13 October 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 4 MAR 2009

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Yuriy KASATKIN
Lavochkina Str. 52, App. 84
125502 Moskau
RUSSIAN FEDERATION

In re Application of :
Adler et al. :
Application No.: 12/088,286 :
PCT No.: PCT/EP2006/063316 :
Int. Filing Date: 19 June 2006 :
Priority Date: 27 September 2005 :
Attorney Docket No.: 320766US0PCT :
For: Process For Producing Monosilane

Dear Mr. Kasatkin:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

OBLON, SPIVAK, MCCLELLAND, MAIER
& NEUSTADT, P.C.
1940 DUKE 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

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Yuriy KASATKIN) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/EP2006/063316 and was filed on June 19, 2006 in the names of Peter ADLER, Raymund SONNENSCHEIN, Yuriy KASATKIN, Adolf PETRIK and Leonid SCHWARZMANN for the invention entitled PROCESS FOR PRODUCING MONOSILANE. The national stage application number is 12/088,286 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of October 13, 2008.

22 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOWARD & HOWARD ATTORNEYS, P.C.
BASF SE
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

In re Application of	:	
VIRANI et al.	:	
Application No.: 12/088,319	:	DECISION
PCT No.: PCT/US2006/037797	:	
Int. Filing Date: 27 September 2006	:	
Priority Date: 27 September 2005	:	
Attorney Docket No.: 12318/065322.00061	:	
For: A METHOD OF REMOVING NITROUS OXIDE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 22 October 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 27 September 2006, applicants filed international application PCT/US2006/037797, which designated the United States and claimed a priority date of 27 September 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 March 2008.

On 27 March 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 October 2008, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, several declarations of inventors, and a declaration of facts by David M. LaPrairie.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been satisfied. Item (2) has also been satisfied. Applicant has established that the non-signing inventors Kent S. Knaebel and Heungsoo Shin were presented with a copy of the application papers and refused to execute the declaration of inventors.

Item (4) has not been satisfied. The declaration filed 22 October 2008 signed by Naheed VIRANI is not sufficient because it contains non-initialed alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty

Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

23 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HOWARD & HOWARD ATTORNEYS, P.C.
BASF SE
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

In re Application of	:	
VIRANI et al.	:	
Application No.: 12/088,319	:	DECISION
PCT No.: PCT/US2006/037797	:	
Int. Filing Date: 27 September 2006	:	
Priority Date: 27 September 2005	:	
Attorney Docket No.: 12318/065322.00061	:	
For: A METHOD OF REMOVING NITROUS OXIDE	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 20 January 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 27 September 2006, applicants filed international application PCT/US2006/037797, which designated the United States and claimed a priority date of 27 September 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 March 2008.

On 27 March 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 October 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, several declarations of inventors, and a declaration of facts by David M. LaPrairie.

On 22 December 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that the declaration filed 22 October 2008 signed by Naheed VIRANI was not sufficient because it contained non-initialed alterations.

On 20 January 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by Naheed VIRANI.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 22 December 2008, items (1), (2), and (3) have been satisfied.

Item (4) has now been satisfied as well. The declarations of inventors filed 22 October 2008 and the declaration of inventors filed 20 January 2009 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **20 January 2009**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

23 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Heungsoo Shin
7718 Henry David Court
Dublin, OH 43016

In re Application of
VIRANI et al.
Application No.: 12/088,319
PCT No.: PCT/US2006/037797
Int. Filing Date: 27 September 2006
Priority Date: 27 September 2005
Attorney Docket No.: 12318/065322.00061
For: A METHOD OF REMOVING NITROUS OXIDE

Dear Mr. Shin:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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HOWARD & HOWARD ATTORNEYS, P.C.
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THE PINEHURST OFFICE CENTER, SUITE #101
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23 MAR 2009

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Alexandria, VA 22313-1450
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Mr. Kent S. Knaebel
8000 McKitrick Road
Plain City, OH 43064

In re Application of
VIRANI et al.
Application No.: 12/088,319
PCT No.: PCT/US2006/037797
Int. Filing Date: 27 September 2006
Priority Date: 27 September 2005
Attorney Docket No.: 12318/065322.00061
For: A METHOD OF REMOVING NITROUS OXIDE

Dear Mr. Knaebel:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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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.
12/088,326	03/27/2008	Jin-Keun Choi	13696-003	1224

757 7590 11/19/2009

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

In re Application of: Jin-Keun CHOI
Application No. 12/088,326
Filed: 03/27/2008
For: System and Method for managing bundle data database storing data association structure

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 10, 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 KIPO, 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 KIPO, 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 KIPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO 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 KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO 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 KIPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the KIP application(s) containing the allowable/patentable claims along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of 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

29 JAN 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO CA 92101

In re Application of IRIE (Deceased) et al. Application No.: 12/088,379 PCT No.: PCT/JP06/318118 Int. Filing Date: 13 September 2006 Priority Date: 27 September 2005 Attorney Docket no.: 114324-KC0018 For: OPTICAL COMMUNICATION APPARATUS, OPTICAL COMMUNICATION...	:	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 12 November 2008.

BACKGROUND

On 27 March 2008, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and English translation of the international application.

On 12 November 2008, applicant filed an executed declaration identifying Keijiro Minami as the legal representative of the estate of deceased inventor Yasuyuki Irie.

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for both the deceased inventor and the legal representative, and the residency and mailing address for the legal representative.

The declaration (PTO/SB/106) submitted on 12 November 2008 identifies Keijiro Minami as the legal representative of the estate of deceased inventor Yasuyuki Irie and states the relationship, country of citizenship, residency and mailing address for the joint inventor, the deceased inventor and the legal representative. The declaration is executed by the joint inventor. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The declaration by the legal representative for deceased inventor Yasuyuki Irie submitted on 12 November 2008 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 12 November 2008.

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

Commissioner for Patents
United States Patent and Trademark Office
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SWANSON & BRATSCHUN, LLC.
8210 SOUTH PARK TERRACE
LITTLETON, CO 80120

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of
Tarek Abd-Elkarem SHAZLY
Application No. 12/088,398
Filed: July 2, 2008
Attorney Docket No. **0064.44**

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 30, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **SWANSON & BRATSCHUN, LLC.** has been revoked by the applicant of the patent application on June 15, 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 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MR. TAREK SHAZLY**
20 PONDMEADOW DRIVE, SUITE 203
READING, MA 01867

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOWREY LLP-CA
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

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DEC 31 2009

OFFICE OF PETITIONS

In re Application of :
How Kiap GUEH :
Application No. 12/088,402 :
Filed: March 27, 2008 :
Attorney Docket No. **03989.0020.PCUS00** :

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 9, 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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C/O IP DOCKETING DEPARTMENT
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FALLS CHURCH, VA 22042-2924

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JAN 29 2010

In re Application of :
How Kiap GUEH :
Application No. 12/088,402 : DECISION ON PETITION TO
Filed: April 29, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **03989.0020.PCUS00** :

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 January 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 request was signed by Viola T. Kung on behalf of all attorneys of record who are associated with customer No. 27194. All attorneys/agents associated with the Customer Number 27194 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HOW KIAP GUEH**
BLK 53 NEW UPPER CHANGI ROAD, #13-1472
SINGAPORE 461053

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

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OFFICE OF PETITIONS

In re Application of :

How Kiap GUEH :
Application No. 12/088,406 :
Filed: April 29, 2008 :
Attorney Docket No. **03989.0021.PCUS00** :

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 9, 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FALLS CHURCH, VA 22042-2924

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JAN 29 2010

In re Application of :
How Kiap GUEH :
Application No. 12/088,406 : DECISION ON PETITION TO
Filed: April 29, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **03989.0021.PCUS00** :

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 January 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 request was signed by Viola T. Kung on behalf of all attorneys of record who are associated with customer No. 27194. All attorneys/agents associated with the Customer Number 27194 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **HOW KIAP GUEH**
BLK 53 NEW UPPER CHANGI ROAD, #13-1472
SINGAPORE 461053

3 0 JUL 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

JOHN ALEXANDER GALBREATH
2516 CHESTNUT WOODS CT
REISTERSTOWN MD 21136

In re Application of	:	
Clarke et al.	:	
Application No.: 12/088,446	:	
PCT No.: PCT/NZ2006/000252	:	
Int. Filing Date: 29 September 2006	:	DECISION
Priority Date: 29 September 2005	:	
Attorney Docket No.: C032808	:	
For: Cooling Device	:	

This is in response to the refund request filed on 30 May 2008.

BACKGROUND

This international application was filed on 29 September 2006, claimed an earlier priority date of 29 September 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 05 April 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 March 2008. Applicants filed *inter alia* the basic national fee on 28 March 2008.

On 28 May 2008, a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "03/28/2008" was mailed to applicants.

DISCUSSION

Counsel requests a refund of $55.00 charged to his Deposit Account, No. 50-4432, under fee code 2614. Counsel points out that "there is only one independent claim in this application; and moreover, the total number of claims is 20. Thus, any extra claim fee is inappropriate."

Review of the application reveals that the submission filed on 28 March 2008 included, *inter alia*, a preliminary amendment to the claims, resulting in a claim set consisting of 20 claims, one of which is independent. 37 CFR 1.26(a) provides that

> The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Director may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

In view of the totality of the circumstances present in this case, it would be appropriate to refund the $55.00 requested by applicants, as well as the further $155.00 charged to fee code 2614 but not specifically referenced by counsel.

DECISION

The refund request is **GRANTED**.

This application is being forwarded to Technology Center 3744 for further processing.

/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

13 JUN 2008

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

In re Application of	:	
HEAD	:	
Application No.: 12/088,507	:	
PCT No.: PCT/GB06/50298	:	DECISION ON PETITION
Int. Filing Date: 20 September 2006	:	
Priority Date: 24 September 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 24185	:	
For: COILED TUBING AND POWER CABLES	:	

The petition to revive under 37 CFR 1.137(b) filed 28 March 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required documents from the due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 JUN 2009

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Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of :
STEPHAN et al. :
U.S. Application No.: 12/088,512 :
PCT No.: PCT/EP06/66026 : DECISION ON PETITION
Int. Filing Date: 05 September 2006 :
Priority Date: 30 September 2005 :
Attorney Docket No.: P33947 :
For: APPARATUS FOR THE CONTINUOUS :
MODIFICATION OF POLYMERS IN
THE FREE-FLOWING STATE BY
MEANS OF ELECTRON RADIATION

This decision is issued in response to applicants' "Assertion of Small Entity Status and Request for Refund" filed on 30 June 2008, which is being treated as a request for refund under 37 CFR 1.28.

BACKGROUND

On 28 March 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee; a translation of the international application; and an unexecuted declaration.

On 30 June 2008, applicants filed "Assertion of Small Entity Status and Request for Refund."

DISCUSSION

Pursuant to 37 CFR 1.28(a), a refund of a portion of large entity fees timely paid in full prior to establishing small entity status "may be obtained if an assertion [of small entity status] under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee."

In the present application, applicant's 28 March 2008 submission included payment of $930 in total fees ($310 basic national fee, $410 search fee, and $210 examination fee).

In the present refund request, applicants state that the above-identified application was inadvertently filed as a large entity on 28 March 2008. Therefore, the 30 June 2008 request for a refund of a portion of the fees paid upon filing the present application based upon the subsequent establishment of small entity status was made within three-months of the payment of the large entity fees. (See 37 CFR 1.7) Accordingly, petitioner is entitled to a refund of a portion of the large entity fees paid upon filing the present application.

CONCLUSION

The request for refund under 37 CFR 1.28(a) is **GRANTED**.

It is noted that the refund of $465 was processed on 17 July 2008.

Any questions concerning this matter may be directed to the undersigned. This matter is being referred to the appropriate Technology Center for examination in due course.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK, et al.
Application No. 12/088,518
Filed: March 28, 2008
Attorney Docket No. 24622-0103US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 20, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

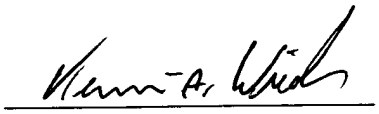
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Although KIPO application contains 20 claims, the corresponding U.S. application has 12 claims. 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

UNITED STATES DEPARTMENT OF COMMERCE
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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

Mail Date: 04/21/2010

Applicant	: Till Gerlach	: DECISION ON REQUEST FOR
Patent Number	: 7615665	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/088,548	: 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,563		Mitsunari Hoshi	112857-1146	2426

29175 7590 02/06/2009
BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
02/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO IL 60690

In re Application of
Mitsunari HOSHI, et al.
Application No.: 12/088,563
Filed: 28 March 2008
Attorney Docket No.: 112857-1146
For: SURFACE EMISSION DEVICE, OPTICAL ELEMENT AND LIQUID CRYSTAL DISPLAY DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 8 December 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
        iv. Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition is assessed as follows:

Conditions 1, 2 and 4-7 above are considered to have been met. However the request to participate in the PPH program fails to meet condition 3.

Regarding condition 3, Petitioner has not submitted a proper claims correspondence table. The table lists all claims on 1 line, however each claims should be listed on a separate line with its corresponding claim listed in the adjacent column. Further, the claims listed in the claims correspondence table for the US application do not match the pending claims in the US application.

Further it is noted there is a typo in claim 47, line 20 "iss".

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,563		Mitsunari Hoshi	112857-1146	2426

29175 7590 04/14/2009

K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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K&L Gates LLP
P. O. BOX 1135
CHICAGO IL 60690

In re Application of
Mitsunari HOSHI, et al.
Application No.: 12/088,563
Filed: 28 March 2008
Attorney Docket No.: 112857-1146
For: SURFACE EMISSION DEVICE, OPTICAL ELEMENT AND LIQUID CRYSTAL DISPLAY DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 8 December 2008 and supplemented 05 March 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority to an application filed in the JPO, or
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

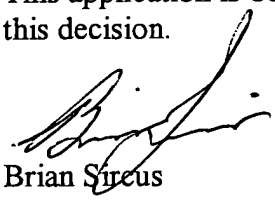
   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.



Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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DAVID A. EINHORN
BAKER & HOSTETLER LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111

MAILED

JUL 12 2010

OFFICE OF PETITIONS

In re Application of :
Su Dong Hong et al :
Application No. 12/088,573 : ON PETITION
Filed: March 28, 2008 :
Attorney Docket No. DE1795

This is a decision on the petition, filed July 7, 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 July 6, 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 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement previously filed on June 29, 2010.

/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
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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 15 2010

OFFICE OF PETITIONS

In re Application of:
Alexandre Ribeiro
Application No. 12/088,601
Filed: May 23, 2008
Attorney Docket No. 2005P17703 (NSN)

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed May 31, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Kevin R. Spivak and the attorneys/agents associated with customer number 87133 has been revoked by the assignee of the above application on May 27, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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NEXSEN PRUET, LLC
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GREENVILLE SC 29603

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of
WHITE, David A.
Application No. 12/088,630
Filed: June 02, 2008
Attorney Docket No. **38884-03**

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 April 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement attesting that Davis A. White 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 3754 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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17 SEP 2008

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of: LEE, Anthony, et al.
U.S. Application No.: 12/088,654
PCT No.: PCT/US2006/037666
International Filing Date: 28 September 2006
Priority Date: 28 September 2005
Atty Docket No.: CELL/0002 USA P
For: APPARATUS AND METHODS FOR TREATING URETHRAL INCONTINENCE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 09 September 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 28 March 2008 based on applicants' failure to pay the basic national fee prior to the expiration of thirty months from the priority date. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 21 August 2008.

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 Filing Fee on the due date of March 28, 2008 until the filing of this Petition with regard to this application 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.

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. It is noted that applicants have not submitted an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

10 JUL 2008

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52203
CONTINENTAL TEVES, INC.
One Continental Drive
Auburn Hills, MI 48326-1581

In re Application of :
ZAHOUT-HEIL, Carsten :
U.S. Application No.: 12/088,705 :
PCT No.: PCT/EP2006/065604 :
Int. Filing Date: 23 August 2006 :
Priority Date: 23 August 2005 :
Docket No.: AP11251 :
For: PRESSURE SENSOR UNIT :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 31 March 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

07 JUL 2008

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Craig Hallacher
Continental Teves
One Continental Drive
Auburn Hills, MI 48326

In re Application of	:	DECISION ON
FENNEL et al	:	
Application No.: 12/088,711	:	
PCT No.: PCT/EP2006/065931	:	
Int. Filing Date: 01 September 2006	:	PETITION UNDER
Priority Date: 02 September 2005	:	
Attorney's Docket No.: AP 11260	:	
For: METHOD of CALIBRATING...	:	
YAW RATE SENSONR	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 31 March 2008.

BACKGROUND

On 01 September 2006, this international application was filed, claiming an earliest priority date of 02 September 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 02 March 2008. This international application became abandoned with respect to the United States at midnight on 02 March 2008 for failure to pay the required basic national fee.

On 31 March 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **31 March 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 OCT 2008

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NXP INTELLECTUAL PROPERTY DEPARTMENT
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In re Application of Peter DIRKS. Application No.: 12/088,713 PCT No.: PCT/IB06/53553 Int. Filing Date: 28 September 2006 Priority Date: 30 September 2005 Attorney Docket No.: 00 2618 US2 For: FINE-PITCH ROUTING IN A LEAD FRAME BASED SYSTEM-IN-PACKAGE (SIP) DEVICE	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.182 to correct the inventor's name to PETER ADRIANUS JACOBUS DIRKS, filed in the United States Patent and Trademark Office on 01 August 2008.

On 31 March 2008, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. On 03 June 2008, applicant filed a declaration executed by Peter Adrianus Jacobus Dirks.

On 24 June 2008, a Notification of Missing Requirements was mailed to applicants indicating that the declaration was not in compliance with 37 CFR 1.497(a) & (b) because the first and last name of the inventor was different from that identified in the published international application.

On 01 August 2008, applicant filed a response to the Notification of Missing Requirements as a "Petition to Change Inventors Name under 1.182" The published international application identified the sole inventor as Dirk Peters. However, the declaration identified the sole inventor as Peter Adrianus Jacobus Dirks and was executed as such.

Applicant now petitions under 37 CFR 1.182 requesting that inventor Dirk Peters' name be corrected to Peter Adrianus Jacobus Dirks. The $400 petition fee has been paid. The petition under 37 CFR 1.182 is **GRANTED**. Thus, the declaration submitted on 03 June 2008 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **03 June 2008**.

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
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Telephone: (571) 272-3286
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13 MAR 2009

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of EUEN et al.	:
Application No.: 12/088,733	: DECISION ON PETITION
PCT No.: PCT/IB06/53642	:
Int. Filing: 05 October 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 06 October 2005	:
Attorney Docket No.: 00 2810 US1	:
For: SEMICONDUCTOR DEVICE	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 09 January 2009, to accept the application without the signatures of joint inventors, RAINER BAUER and MARC VAN GEFFEN. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 31 March 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. §.371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 09 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 09 January 2009, applicant filed a petition along with declarations, executed by the joint inventors on behalf of the nonsigning inventors. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors Bauer and Van Geffen alleging that Mr. Bauer is unavailable and Mr. Van Geffen refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Per Petitioner's authorization, the petition fee of $200 will be charged to applicant's deposit account, satisfying Item (1). Item (3) is satisfied because the last known addresses of

non-signing inventors were provided. With regard to item (4), the declaration executed by the available joint inventors on their behalf and on behalf of the non-signing inventors was submitted. However, the declaration executed by inventor Karl-Heinz Kraft was altered. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. Thus, the declaration is unacceptable and does not satisfy the requirements of 37 CFR 1.47(a). A newly executed declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

Refusal to Sign the Application[1]

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[1] Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct

With respect to Item (2) above, Petitioner provided the statement of Vilimaina Naga regarding the lack of signatures on the application papers by joint inventors Rainer Bauer and Marc Van Geffen. The statement was based upon her personal, firsthand knowledge regarding the attempts to present of a complete copy of the application papers to the nonsigning inventors.

Regarding non-signing inventor Marc Van Geffen, Ms. Naga's states that on 19 December 2008, she sent a letter to inventor Van Geffen along with a complete copy of the application papers for his signature. A copy of this letter was attached to the petition. Ms. Naga shipped the package via United Parcel Service (UPS) and references the delivery of this application, as supported by the UPS delivery Track Shipment Detail (attached to the petition). The detail indicates that the package was delivered to Mr. Van Geffen's last known address on 29 December 2008 and that he signed for the package. Since the petition was filed on 09 January 2009, a mere 10 days after the inventor received the declaration, this is insufficient time to conclude that the inventor refuses to sign the application papers.

With regard to Rainer Bauer's refusal to sign the application, Ms. Naga does not produce a copy of the letter detailing that a complete copy of the application papers was sent to Mr. Bauer. In fact, no evidence was submitted that indicated that Mr. Bauer received this communication. The UPS delivery Track Shipment detail indicates that someone other than Mr. Bauer signed for the package. Ms. Naga herself concludes that "he no longer lives at his last known address." This lack of evidence does not support a conclusion that Mr. Bauer refuses to sign the application. Petitioner must attempt to find or reach a nonsigning inventor.

Unavailability of Inventor

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.

As noted above, Petitioner did not demonstrate what "diligent efforts" were undertaken to locate Mr. Bauer and obtain his signature on the declaration. Diligent efforts made to locate the nonsigning inventor were not pursued and documented, such as Internet searches, contact with the joint inventors to obtain the nonsigning inventor's current address, a forwarding address or current email address and/or current employer. No attempt to reach him by telephone was made. No request from the Postal Service for his forwarding address was made. 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

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constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

establish that a "diligent effort" was made. Petitioner's statement of facts under 37 CFR 1.47(a) does not indicate that any search for the nonsigning inventor's new address was made. Since no attempts to locate the inventor was documented, it cannot be concluded that "a diligent effort" was made to locate the non-signing inventor.

The action taken by petitioner is not sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it cannot be concluded that the nonsigning inventor is unavailable to sign the application. Petitioner has not satisfied Item (2) by demonstrating a first hand statement of the " diligent efforts" that were made to locate the nonsigning inventor.

In sum, Petitioner has satisfied Items (1) and (3) above. Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 12/088,733 (specification, including claims, drawings, and declaration) to the nonsigning inventor Bauer for his signature and (2) that the nonsigning inventor Bauer is unavailable to sign these documents. Insufficient time lapsed to conclude that Mr. Van Geffen refuses to sign the declaration. Finally, Petitioner has not satisfied Item (4) with regard to the declaration executed by Mr. Kraft. A new declaration, in compliance with 37 CFR 1.497(a) and (b), is required. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

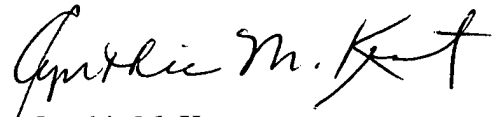
For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventors refuse to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
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19 JUL 2009

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SAN JOSE CA 95131

In re Application of EUEN et al.	:
Application No.: 12/088,733	: DECISION ON PETITION
PCT No.: PCT/IB06/53642	:
Int. Filing: 05 October 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 06 October 2005	:
Attorney Docket No.: 00 2810 US1	:
For: SEMICONDUCTOR DEVICE	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 13 May 2009.

BACKGROUND

On 09 January 2009, applicant filed a petition along with declarations, executed by the joint inventors on behalf of the nonsigning inventors. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors Bauer and Van Geffen alleging that Mr. Bauer is unavailable and Mr. Van Geffen refuses to sign the application.

On 13 March 2009, a decision dismissing the petition was mailed indicating that Petitioner had not satisfied the requirements of 37 CFR 1.47(a).

DISCUSSION

Petitioner has now presented the declaration which identifies and is executed by all the inventors 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 joint inventors and submitted on 13 May 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 13 May 2009.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,753		Hisatoshi ASAOKA	Q106704	4474

23373 7590 04/10/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
3672	

MAIL DATE	DELIVERY MODE
04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER 3600

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of
Hisatoshi Asaoka
Application No. 12/088,753
Filed: March 31, 2008
For: SOIL PASTEURIZING APPARATUS AND METHOD USING EXHAUST GAS

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 2, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail to include: Items (1)-(3), (5) & (7). Applicant has not submitted a copy of the allowable patent claims, nor a copy of the latest Office action from the JPO PCT application (PCT/JP2007/56223), with the required translations. It was noticed that there was a JP priority document listed in the declaration, JP2007-023332. It was not clear that this application, filed prior to the above PCT case did not serve as a priority document for the PCT. The required petition fee under 37 CFR 1.17(h) also has not been paid.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 4/8/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,753		Hisatoshi ASAOKA	Q106704	4474

23373 7590 06/12/2008

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WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
3672	

MAIL DATE	DELIVERY MODE
06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 11 2008

TECHNOLOGY CENTER 3600

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of	:	**DECISION ON REQUEST TO**
Hisatoshi Asaoka	:	**PARTICIPATE IN PATENT**
Application No. 12/088,753	:	**PROSECUTION HIGHWAY**
Filed: March 31, 2008	:	**PROGRAM AND PETITION**
For: SOIL PASTEURIZING APPARATUS AND METHOD USING EXHAUST GAS	:	**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 May 9, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of renewed petition, which included a explanation of a valid claim to priority under 35 USC 119, a copy and certified translation of the Reasons for Refusal of July 5, 2007, and a copy of the claims determined allowable by the JPO along with a certified translation, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 6/10/08

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of. :
Van Eijk et al. :
Application No. 12/088,794 : NOTICE
Filed: September 8, 2008 :
Attorney Docket No. VAN EIJK51A :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Rainey-Wittich et al.	:	
Application No. 12/088,813	:	ON PETITION
Filed: September 8, 2008	:	
Attorney Docket No. RAINEY=1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

10 MAR 2009

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POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of: SORENSON ET AL.	:	DECISION
U.S. Application No.: 12/088,841	:	
PCT Application No.: PCT/EP2006/064016	:	ON
Int. Filing Date: 07 July 2006	:	
Priority Date: 08 July 2005	:	PETITION
Atty Docket No.: 0225-018	:	
For: Patient Lifting System Using RFID Technology	:	UNDER
	:	
	:	37 CFR 1.137(b)

BACKGROUND

On 05 July 2006, applicant filed international application PCT/EP2006/064016, which designated the U.S. and claimed priority date of 08 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 January 2008.

On 31 March 2008, application filed purported national stage papers in the United States Designated Office (DO/EO/US).

On 31 March 2008, applicant filed the present petition under 37 CFR 1.137(b). The basic national stage fee of $310 accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), the required reply has been received.

Regarding item (2), the required petition fee has been received.

Regarding item (3), the petition includes the required statement.

Regarding item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated Office (DO/EO/US) for processing.

/Katherine Moran/
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

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10 JUL 2008

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30955
LATHROP & GAGE LC
4845 Pearl East Circle,
Suite 300
Boulder, CO 80301

In re Application of
POGUE *et al*
U.S. Application No.: 12/088,845
PCT No.: PCT/US2006/016210
Int. Filing Date: 27 April 2006
Priority Date: 27 April 2005
Docket No.: 471564
For: SYSTEMS AND METHOD FOR TOMOGRAPHIC IMAGE RECONSTRUCTION

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 31 March 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK, et al.
Application No. 12/088,865
Filed: April 01, 2008
Attorney Docket No. 24622-0104US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 20, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK, et al.
Application No. 12/088,866
Filed: April 01, 2008
Attorney Docket No.: 19819-221US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 19, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

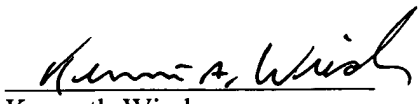
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of :
PANG, HEE SUK, et al. :
Application No. 12/088,868 :
Filed: April 01, 2008 :
Attorney Docket No.: 19819-222US1 :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 19, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

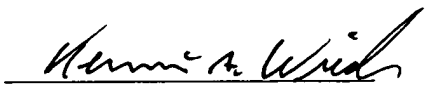
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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FISH & RICHARDSON P.C.
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In re Application of
PANG, HEE SUK, et al.
Application No. 12/088,871
Filed: April 01, 2008
Attorney Docket No. 24622-0107US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 20, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Although KIPO application contains 26 claims, the corresponding U.S. application has 18 claims. Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,872	04/01/2008	Hee Suk Pang	19819-224US1 OPP-WZ-2005-	6397

26181 7590 02/25/2009
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
JEANGLAUDE, JEAN BRUNER

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
02/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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In re Application of	:	
Hee Suk PANG, et al.	:	DECISION ON REQUEST TO
Application No. 12/088,872	:	PARTICIPATE IN PATENT
Filed: 04/01/2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 19819-224US1	:	PILOT PROGRAM AND PETITION
OPP-WZ-2005	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 20 November 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (2), (4), and (7), above. This request to participate in the PPH program and petition fails to meet the requirements (1), (3), (5), and (6), above.

Regarding the requirements (1) above, the KIPO application 10-2008-7009202 with similar claims is not the same application from which the U.S. application claims priority. Furthermore, the applicant has not identified the relationship between the KIPO application with similar claims and the KIPO priority application(s).

Regarding the requirements (3) above, applicant has not submitted a claims correspondence table in English.

Still referring to the requirements (3) above, the applicant has failed to ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the KIPO application. The instant pending clam does not sufficiently correspond to the allowable/patentable claim 5 in the KIPO application 10-2008-7009202. The allowable/patentable claim 5 in the KIPO application includes the limitation of "two identification informations" and "a first identification information indicating coding scheme having highest frequency of use and a second identification information indicating coding scheme having second-highest frequency of use are extracted from difference layers." These limitations are not found in the instantly pending claim 5. The instantly pending claim 13 does not appear to have a corresponding allowable/patentable claims in the KIPO application. The instantly pending claim 14 does not include the limitation "hierachically" found in line 3 of

the apparently corresponding allowable/patentable claim 14 in the KIPO application. The instantly pending claims 15 and 16 do not appear to have corresponding allowable/patentable claims in the KIPO application.

Regarding the requirements (5) above, the request/petition form indicates that "A copy of all KIPO office actions which are relevant to patentability in the above-identified KIPO application(s) is attached. No KIPO office actions, however, were found to be attached.

Regarding the requirements (6) above, because no KIPO office actions were found to be attached, it can not be determined as to whether the petition complies with the requirements (6).

A proper response in this case must include:

1. Identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Submitted a claims correspondence table in English;
3. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
4. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form*;
    b. An English language translation of the KIPO Office action from (4)(a)(i)-(ii) above
    c. A statement that the English translation is accurate; and
5. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted 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 faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,872	04/01/2008	Hee Suk Pang	19819-224US1 OPP-WZ-2005-	6397

26181 7590 04/06/2009

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
JEANGLAUDE, JEAN BRUNER	

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
04/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Hee Suk PANG, et al.	:	DECISION ON REQUEST TO
Application No. 12/088,872	:	PARTICIPATE IN PATENT
Filed: 04/01/2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 19819-224US1	:	PILOT PROGRAM AND PETITION
OPP-WZ-2005	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 20 November 2008, and request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 24 March 2009, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
    i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (2) through (7), above. This request to participate in the PPH program and petition fails to meet the requirements (1), above.

Regarding the requirements (1) above, the KIPO application 10-2008-7009202 with similar claims is not the same application from which the U.S. application claims priority. Furthermore, the applicant has not identified the relationship between the KIPO application with similar claims and the KIPO priority application(s).

It is noted that as a courtesy to the applicant's the office reviewed a proposed response, Faxed transmittal date 20 March 2009, to the dismissal to the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 20 November 2008. After careful review of the proposed response, it was determined that the proposed response would be acceptable if submitted as a formal response. The proposed response identified the relationship between the KIPO application with similar claims and the KIPO priority application(s). The relationship was identified on page 10 of the FAX, on the sheet having the header "Information Sheet of KIPO application" under section 5, "Case Diagram". It is noted that the proposed response was unsigned by the applicant, and consequently, is unacceptable. The formal response, while signed by the applicant, does not identify the relationship between the KIPO application with similar claims and the KIPO priority application(s), and therefore, fails to meet the requirements (1), above.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for participation in the Patent Prosecution Highway (PPH) pilot program in this application will not be entertained.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
3RD FLLOR
NEW HAVEN, CT 06510

Mail Date: 04/27/2010

Applicant	: Bernd Rosenberger	: DECISION ON REQUEST FOR
Patent Number	: 7601027	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/088,874	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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13 AUG 2008

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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

In re Application of CORTELLINI	:	
U.S. Application No.: 12/088,888	:	
PCT Application No.: PCT/EP2006/009274	:	
Int. Filing Date: 25 September 2006	:	
Priority Date Claimed: 03 October 2005	:	DECISION
Attorney Docket No.: 2504-1291	:	
For: PATCH FOR REPLACEMENT OF A PORTION OF BLADDER WALL FOLLOWING PARTIAL CYSTECTOMY	:	

This is in response to applicant's "Request to Correct Inventorship Under 37 CFR § 1.48(a)" filed 08 July 2008, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 25 September 2006, applicant filed international application PCT/EP2006/009274, which claimed priority of an earlier Italy application filed 03 October 2005. 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 03 April 2008.

On 01 April 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 08 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 08 July 2008, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Antonio Sambusseti should be deleted as an inventor and that Pietro Cortellini should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, MPEP 201.03, Section II. D., states in relevant part, "Where no assignee exists requester should affirmatively state that fact. If the file record including the request is silent as to the existence of an assignee it will be presumed that no assignee exists. Such presumption should be set forth in the decision to alert requesters to the requirement." In the present case, the petition fails to affirmatively state that the application has not been assigned by any of the original named inventors, and it is presumed that no assignee exists.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 0 JUN 2008

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Kirkpatrick & Lockhart Preston Gates Ellis LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON MA 02111-2950

In re Application of :
GUASCH :
Application No.: 12/088,913 :
PCT No.: PCT/ES08/00013 : DECISION ON RESPONSE
International Filing Date: 14 January 2008 :
Priority Date: None
Attorney Docket No.: INL-106 :
For: DEVICE FOR DISTRIBUTING :
PARTICLES IN A FLUID AND METHODS :
THEREOF

This is a decision on applicant's Petition to Correct International Application Number under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 11 April 2008.

On 01 April 2008, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/088,913. However the international application **PCT/ES08/00013** as indicated on the transmittal letter differs from the PCT application number **PCT/ES08/00012** on the Electronic Acknowledgement Receipt.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/ES08/00013 on the national stage papers filed on 01 April 2008 is GRANTED. The $400 petition fee will be charged to applicant's deposit account per his authorization.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision. The USPTO records will identify the present application as a national stage of PCT/ES08/00013.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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In re Application of
PANG, HEE SUK, et al.
Application No. 12/088,958
Filed: April 02, 2008
Attorney Docket No. 19819-225US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 20, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

Best Available Copy

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK et al.
Application No. 12/088,959
Filed: April 04, 2008
Attorney Docket No. 19819-226US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 17, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

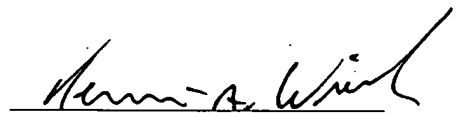
The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Best Available Copy

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

25 NOV 2008

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Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of :
PANG, et al. :
Application No.: 12/088,962 :
PCT No.: PCT/KR06/04028 : DECISION ON REQUEST
Int. Filing Date: 09 October 2006 :
Priority Date: 05 October 2005 :
Attorney Docket No.: 19819-227US1 :
For: METHOD AND APPARATUS FOR SIGNAL PROCESSING AND ENCODING AND DECODING METHOD, AND APPARATUS THEREFOR

This decision is issued in response to applicants' "Petition Regarding Inventor's Name Change" filed 13 November 2008 notifying the Office that the name of the first inventor is Hee SUK Pang as indicated on the declaration rather than Hee SUCK Pang as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due. (The $400 petition fee has been refunded to Deposit Account No. 06-1050.)

It is noted that the present submission was not submitted within two months of the 30 June 2008 mail date of the Notification Of Missing Requirements. In order to avoid abandonment of the application, and pursuant to the authorization contained in the Transmittal Letter filed by applicants on 02 April 2008, applicants' Deposit Account No. 06-1050 has been charged $1050 as the fee for a three-month extension of time. Based on this extension, the 13 November 2008 submission is considered a timely response to the Notification Of Missing Requirements.

Petitioner states that "the first inventor's name Hee Suk Pang, was misspelled (typographical error) by another firm." Petitioner asserts that the name of the first inventor is Hee Suk Pang. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the first inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,962	04/02/2008	Hee Suk Pang	24622-0111US1	7676

26181 7590 03/02/2010
FISH & RICHARDSON P.C.
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EXAMINER	
JEANGLAUDE, JEAN BRUNER	
ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
03/02/2010	ELECTRONIC

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The time period for reply, if any, is set in the attached communication.

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In re Application of	:	
Hee Suk PANG, et al.	:	DECISION ON REQUEST TO
Application No. 12/088,962	:	PARTICIPATE IN PATENT
Filed: 04/02/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0111US1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 20 February 2009, to make the above-identified application special.

The request and petition are **DISMISSED** as moot since the application is now allowed. A review of the record shows that the U.S. application was patented on 16 February 2010 as US patent number 7,663,513. Accordingly, the application is no longer eligible for the Patent Prosecution Highway (PPH) program. The Office apologizes for failing to timely act on the PPH request.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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In re Application of	:	
Hee Suk PANG, et al.	:	DECISION ON REQUEST TO
Application No. 12/088,962	:	PARTICIPATE IN PATENT
Filed: 04/02/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0111US1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 20 February 2009 2008, to make the above-identified application special.

The request and petition are **DISMISSED** as moot since the application is now allowed. A review of the record shows that the U.S. application was patented on 16 February 2010 as US patent number 7,663,513. Accordingly, the application is no longer eligible for the Patent Prosecution Highway (PPH) program. The Office apologizes for failing to timely act on the PPH request.

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Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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FINNEGAN, HENDERSON, FARABOR, GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20001-4413

MAILED

MAR 22 2010

OFFICE OF PETITIONS

Applicant: Zoltan Erdelyi, et al.
Appl. No.: 12/088,993
International Filing Date: September 26, 2006
Title: DEVICE FOR THE PACKAGING AND DISPENSING OF SOLID SHAPED BODIES, ESPECIALLY ORAL TABLETS OR/AND CAPSULES
Pub. No.: US 2009/0120953 A1
Pub. Date: May 14, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on July 9, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 9, wherein "substantially" was misprinted as 'substantial".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment wherein "substantially" was misprinted as "substantial" is not a material Office error. The error in claim 9 is not a material error under 37 CFR 1.221(b). The misprinting of the word "substantially" does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope to the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

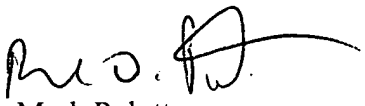
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

0 3 OCT 2008

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United States Patent and Trademark Office
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SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO ON M5G2K-8
CANADA

In re Application of :
LI, Xiaomao :
Application No.: 12/089,030 : DECISION
PCT No.: PCT/CA2006/001625 :
Int. Filing Date: 03 October 2006 : ON PETITION UNDER
Priority Date: 03 October 2005 :
Docket No.: 94160-3 : 37 CFR 1.137(b)
For: NUCLEIC ACID IMMUNOLOGICAL :
COMPOSITION FOR HUMAN :
METAPNEUMOVIRUS :

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 31 July 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee, or oath or declaration has not yet been paid.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), the search fee, the examination fee and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2009

COMMISSIONER FOR PATENTS
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GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

In re Application of FREEMAN :
U.S. Application No.: 12/089,038 :
PCT Application No.: PCT/US2006/039820 :
Int. Filing Date: 05 October 2006 : DECISION
Priority Date Claimed: 05 October 2005 :
Attorney Docket No.: 38187-2856PCTUS :
For: METHOD AND APPARATUS FOR AN :
ANALYTE DETECTING DEVICE :

This is in response to applicant's correspondence filed 05 October 2009, which is being treated as a petition under 37 CFR 1.182. The deficiency in the petition fee will be charged to Deposit Account No. 50-4634 as authorized in the petition.

BACKGROUND

On 05 October 2006, applicant filed international application PCT/US2006/039820, which claimed priority of an earlier United States application filed 05 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 07 April 2008.

On 02 April 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 September 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 11 November 2008, applicant filed an executed declaration.

On 24 April 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) along with an official filing receipt.

On 05 October 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the incorrect international application number PCT/US2006/39280 was referenced in the transmittal letter filed 02 April 2008. The EFS-Web Electronic Acknowledgement Receipt shows that the same erroneous international application number was entered in to the EFS-Web user interface. A review of the papers filed 02 April 2008 reveals that the correct international application number PCT/US2006/39820 was indicated on page 2 of the transmittal letter. Furthermore, the transmittal letter lists an international filing date, priority date, and name of applicant that are consistent with international application number PCT/US2006/39820. The petition states that the mistake was made without deceptive intent. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 November 2008.

This application is being forwarded to the appropriate Technology Center for docketing and examination.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

ATTACHMENT: corrected filing receipt

Commissioner for Patents
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Alexandria, VA 22313-1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

3/17/09

In re Application of	:	
UCHIDA, SHINJI	:	DECISION ON REQUEST TO
Application No. 12/089,040	:	PARTICIPATE IN PATENT
Filed: April 2, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 043888-0651	:	PROGRAM AND PETITION
For: BIOCOMPONENT CONCENTRATION MEASURING DEVICE	:	37 CFR 1.102(d)

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 Nov. 5, 2008, to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) of $130.00 has been charged to the Deposit Account No. 500417.

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 November 5, 2008 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 Ling Le, Art Unit 3768, 571-272-0823.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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United States Patent and Trademark Office
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Foley and Lardner, LLP
Suite 500
3000 K Street NW
Washington, DC 20007

MAILED

APR 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Harry Renes et al. :
Application No. 12/089,043 : DECISION ON PETITION
Filed: April 2, 2008 : TO WITHDRAW
Attorney Docket No. 069818-0350 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2009.

The request is **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 Gilberto M. Villacorta on behalf of all attorneys/agents associated with customer number 24280. All attorneys/agents associated with customer number 24280 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed. All future correspondence will be mailed to the address of the first signing inventor.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Harry Renes
Eaglelaan 173
8241 AS Lelystad
The Nethlands

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/089,043	04/02/2008	Harry Renes	069818-0350

CONFIRMATION NO. 8721

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC00000035339472

Date Mailed: 04/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/17/2009.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,055	04/03/2008	Ton H. Akkermans	001355US2	8954

38107 7590 02/18/2010
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P. O. Box 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
JIAN, SHIRLEY XUEYING	

ART UNIT	PAPER NUMBER
3769	

MAIL DATE	DELIVERY MODE
02/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P. O. Box 3001
BRIARCLIFF MANOR NY 10510

In re Application of:
AKKERMANS, TON H. et al
Serial No. 12/089,055
Filed: April 3, 2008
Docket: 001355US2
Title: EAR-THERMOMETER WITH EAR IDENTIFICATION

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed February 4, 2010 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed December 10, 2009.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office actions issued on December 10, 2009 is premature and the finality of the Office action is hereby withdrawn. The Office action mailed on December 10, 2009 will be designated as non-final Office action. Since the finality is being withdrawn, the amendment filed on February 4, 2010 in response to the Office action of December 10, 2009 has been treated as a 37 CFR § 1.111 amendment. The amendment of February 4, 2010 now has been entered for consideration. The examiner has been requested to issue a new Office action.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, the petition is **granted.**

Donald T. Hajec, Director
Technology Center 3700

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23 SEP 2008

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Alexandria, VA 22313-1450
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00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

In re Application of
DE PAGTER *et al*
U.S. Application No.: 12/089,075
PCT No.: PCT/NL2006/050214
Int. Filing Date: 01 September 2006
Priority Date: 02 September 2005
Docket No.: 2001-1564
For: TRANSPORT CONTAINER WITH IMPROVED VENTILATION PROPERTIES FOR FLOWERS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 03 April 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided on 01 June 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MAIL

MAR 31 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK, et al.
Application No. 12/089,091
Filed: April 3, 2008
Attorney Docket No. 24622-0112US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 20, 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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

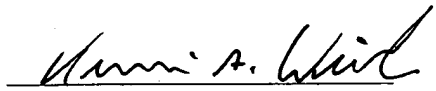
Petitioner has not complied with item 7 with the required petition fee under 37 CFR 1.17(h).

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,091	04/03/2008	Hee Suk Pang	24622-0112US1	9332

26181 7590 06/09/2009
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
06/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	:	
PANG, HEE SUK et al	:	DECISION ON REQUEST TO
Application No. 12/089,091	:	PARTICIPATE IN PATENT
Filed: April 3, 2008	:	PROSECUTION HIGHWAY
Att. Docket No. 24622-0112US1	:	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 29, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,093	04/03/2008	Hee Suk Pang	24622-0117US1	9357

26181 7590 03/18/2009

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
03/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of: PANG et al.
Application No. 12/089,093
Filed: April 3, 2008
For: **METHOD AND APPARATUS FOR SIGNAL PROCESSING AND ENCODING AND DECODING METHOD, AND APPARATUS THEREFOR**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 20, 2009, to make the above- identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 KIPO 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 KIPO examiner in the KIPO 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 program and petition comply with the above requirements, and accordingly, the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist,
Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,098	04/03/2008	Hee Suk Pang	24622-0113US1	9382

26181 7590 05/19/2009
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
MAI, LAM T	

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
05/19/2009	ELECTRONIC

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Hee Suk PANG, et al.	:	DECISION ON REQUEST TO
Application No. 12/089,098	:	PARTICIPATE IN PATENT
Filed: 04/03/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0113US1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 17 March 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:

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i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (2), and (4)-(7) above. This request to participate in the PPH program and petition fails to meet the requirements (1), and (3) above.

Regarding requirements (1) above, the KIPO application 10-2008-7005840 with similar claims is not the same application from which the U.S. application claims priority, that is, PCT/KR2006/004033. Furthermore, the applicant has not identified the relationship between the KIPO application with similar claims and the KIPO priority application.

Regarding requirements (3) above, the Applicant failed to ensure all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KIPO applications. Additionally, the claims correspondence table is in error. It is noted that the claims correspondence table indicates that claims 31-42 in the US application correspond to patentable claims 31-42 in the KIPO application. In is noted, however, that there are no patentable claims 32, and 33 in the KIPO application. It is assumed for the discussion below that claims 32-42 in the US application were intended to correspond to patentable claims 34-44 in the KIPO application.

Referring to claim 1, line 4, in the US application, the limitation "a plurality of data" does not sufficiently correspond to the limitation "data" as recited in claim 1 of the KIPO application. It is noted that the word "data" is the plural form of the word "datum".

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Referring to claim 1, line 8, in the US application, the limitation "by summing" does not sufficiently correspond to the limitation "using" as recited in claim 1 of the KIPO application.

Referring to claim 14, lines 2 & 3, in the US application, the limitation "the data comprising the parameter" does not sufficiently correspond to the limitation "the obtained parameter" as recited in claim 14 of the KIPO application.

Referring to claim 15, line 4, in the US application, the limitation "calculated by summing the" does not sufficiently correspond to the limitation "calculated using the" as recited in claim 15 of the KIPO application.

Referring to claim 36, line 2, in the US application, the limitation "performed on at least one" does not sufficiently correspond to the limitation "performed on the data on at least one" as recited in claim 38 of the KIPO application.

Referring to claim 38, line 2, in the US application, the limitation "the data comprising the parameter" does not sufficiently correspond to the limitation "the obtained parameter" as recited in claim 40 of the KIPO application.

Referring to claim 39, line 3, in the US application, the limitation "in the group" does not sufficiently correspond to the limitation "in one the group through the first group" as recited in claim 41 of the KIPO application.

Referring to claim 39, line 4, in the US application, the limitation "calculated by summing" does not sufficiently correspond to the limitation "calculated by using" as recited in claim 41 of the KIPO application.

A proper response in this case must include:

1. Identify the relationship between the KIPO application with similar claims and the KIPO priority application; and,
2. Ensure all the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

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. Applicant is reminder that they will be given one opportunity to perfect the request in a renewed request for participation in the PPH program.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,098	04/03/2008	Hee Suk Pang	24622-0113US1	9382

26181 7590 08/13/2009
FISH & RICHARDSON P.C.
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EXAMINER	
WILLIAMS, HOWARD L	
ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
08/13/2009	ELECTRONIC

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In re Application of	:	
Hee Suk PANG, et al.	:	DECISION ON REQUEST TO
Application No. 12/089,098	:	PARTICIPATE IN PATENT
Filed: 04/03/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0113US1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 17 March 2009, and the renewed request to participate in the PPH program, filed 17 June 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

03 DEC 2008

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P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of :
PANG, et al. :
Application No.: 12/089,102 :
PCT No.: PCT/KR06/04014 : DECISION ON REQUEST
Int. Filing Date: 04 October 2006 :
Priority Date: 05 October 2005 :
Attorney Docket No.: 19819-230US1 :
For: METHOD AND APPARATUS FOR SIGNAL PROCESSING AND ENCODING AND DECODING METHOD, AND APPARATUS THEREFOR :

This decision is issued in response to applicants' "Petition Regarding Inventor's Name Change" filed 13 November 2008 notifying the Office that the name of the first inventor is Hee SUK Pang as indicated on the declaration rather than Hee SUCK Pang as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due. (The $400 petition fee has been refunded to Deposit Account No. 06-1050.)

It is noted that the present submission was not submitted within two months of the 23 June 2008 mail date of the Notification Of Missing Requirements. In order to avoid abandonment of the application, and pursuant to the authorization contained in the Transmittal Letter filed by applicants on 03 April 2008, applicants' Deposit Account No. 06-1050 has been charged $1110 as the fee for a three-month extension of time. Based on this extension, the 13 November 2008 submission is considered a timely response to the Notification Of Missing Requirements.

Petitioner states that "the first inventor's name, Hee Suk Pang, was misspelled (typographical error) by another firm." Petitioner asserts that the name of the first inventor is Hee Suk Pang. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the first inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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TECHNOLOGY CENTER 2600

FISH & RICHARDSON P.C.
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MINNEAPOLIS MN 55440-1022

In re Application of :
PANG, HEE SUK :
Application No. 12/089,102 :
Filed: April 03, 2008 :
Attorney Docket No.: 19819-230US1 :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 20, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

27 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

In re Application of MORI	
Application No.: 12/089,103	
PCT No.: PCT/JP06/31846	DECISION ON
Int. Filing: 20 September 2006	
Priority Date: 20 September 2005	PETITION TO REVIVE
Attorney Docket No.: TOMI 200017	
For: OXYGEN STORAGE SUBSTANCE AND METHOD OF OXYGEN STORAGE IN THREE-WAY CATALYST FOR PURIFYING AUTOMOTIVE EXHAUST GAS	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

On 14 July 2008, a declaration executed by the sole inventor and in compliance with 37 CFR 1.497(a) and (b) was filed. The declaration is acceptable.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **14 July 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,105	04/03/2008	Hee Suk Pang	19819-231US1	9441

26181 7590 02/09/2009
FISH & RICHARDSON P.C.
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MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
2819	

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In re Application of	:	
Hee Pang et al	:	DECISION ON REQUEST TO
Application No. 12/089,105	:	PARTICIPATE IN PATENT
Filed: 04/03/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 19819-231US1	:	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 19 November 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO. Note: where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (1)-(2), and (4)-(7) above. This request to participate in the PPH program and petition fails to meet the requirements (3a and 3b) above. All of the claims in the US application do not sufficiently correspond to the allowable/patentable claims in the KIPO application. Claims 5, 11 and 13-16 do not appear to correspond with any of the allowed KIO claims. Additionally, the claim correspondence table is not in English.

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 within the time period given, the application will await action in its regular turn.

Response must be submitted to the USPTO via EFS-Web and indexed as PPH.PET.652. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html .

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272-2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Darren Schuberg
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,105	04/03/2008	Hee Suk Pang	19819-231US1	9441

26181 7590 03/31/2009

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EXAMINER	
ART UNIT	PAPER NUMBER
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In re Application of
Hee Pang et al
Application No.: 12/089,105
Filed: 04/03/2008
Attorney Docket No.: 19819-231US1

For: METHOD AND APPARATUS FOR SIGNAL PROCESSING AND ENCODING AND DECODING METHOD, AND APPARATUS THEREFOR

: 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 2nd request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 11 March 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 (may be utility model applications) filed in the KIPO, or
      (ii) validly claims priority under 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 (may include a utility model applications) 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 (may include a utility model 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 KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from i or ii 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1-7 are considered to have now been met. Therefore, the request to participate in the PPH program and petition comply with the requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272-2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

Sherrill Law Offices
4756 Banning Avenue
Suite 212
White Bear Lake, MN 55110-3205

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Roger W. Heegaard et al. :
Application No. 12/089,133 : DECISION ON PETITION
Filed: September 23, 2008 : TO WITHDRAW
Attorney Docket No. ENOVA008USPTO2 : 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 23, 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 Michael Sherrill on behalf of all attorneys/agents associated with customer number 23403. All attorneys/agents associated with customer number 23403 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Roger Heegaard
1839 Buekle Road
Saint Paul, MN 55110

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/089,133	09/23/2008	Roger W. Heegaard	ENOVA008USPT02

CONFIRMATION NO. 9688

POWER OF ATTORNEY NOTICE

23403
SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE, MN 55110-3205

OC00000035001013

Date Mailed: 03/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/23/2009.

- 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

2 4 SEP 2008

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ALEXANDRIA, VA 22313-1450
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Morey B. Wildes
Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, NY 10036

In re Application of:	:	
Ovadia, Yuval et al.	:	DECISION
Application No.: 12/089,162	:	
PCT Application No.: PCT/IL06/00989	:	ON PETITION
Int. Filing Date: 27 August 2006	:	
Priority Date: 06 September 2005	:	UNDER
Atty Docket No.: P-70755-US	:	
For: METHOD AND APPARATUS FOR DETECTING TRACE AMOUNTS OF SUBSTANCES	:	37 CFR 1.137(b)

Applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 03 April 2008 is **GRANTED**.

BACKGROUND

On 27 August 2006, applicants filed international application PCT/IL06/00989. The international application claims a priority date of 06 September 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 06 March 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 06 March 2008.

On 03 April 2008, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), and the petition fee as required by 37 CFR 1.17(m). A declaration of the inventor as required by 35 U.S.C. 371(c)(4) was filed; however, the declaration was not signed.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicants' statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 27 August 2006 under 35 U.S.C. 363. The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements (FORM PCT/DO/EO/905), which should indicate that an executed oath or declaration under 37 CFR 1.497 must be filed.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,186		Byung Suk KANG	2832-0371PUS1	1220

2292 7590 05/28/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
05/28/2008	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

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-747

In re Application of	:	
Byung Suk KANG	:	DECISION ON REQUEST TO
Application No. 12/089,186	:	PARTICIPATE IN PATENT
Filed: April 3, 2008-05-27	:	PROSECUTION HIGHWAY
Attorney Docket No. 2832-0371PUS1	:	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 May 15, 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 is (a) a Paris Convention application, or (b) a national stage application under the PCT, or (c) a so-called bypass application filed under 35 USC 111(a) validly claiming benefit under 35 USC 120 to a PCT application, the PCT application validly claiming benefit under 35 USC 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

Conditions (2), and (4) to (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1) and (3).

Regarding the requirement of condition (1), the instant application is filed under 35 USC 111(a), which validly claims priority under 35 USC 120 to a PCT application (PCT/KR07/00528). However, the since the KIPO national application containing the allowable/patentable claims (KR 10-2006-0130958) is a Korean application other than the priority application, applicant must indicate how the KIPO with the allowable/patentable claims is related to the KIPO priority application. See "Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the Korean Intellectual Property Office (signed 14 January 2008), the first paragraph on page 7.

Regarding the requirement of condition (3), the claims in the U.S. application do not sufficiently correspond to the allowable/patentable claim(s) in the KIPO application for the following reasons:

> Referring to claim 30, line 8 in the KIPO application and the corresponding claim 1, line 8 in the US application, the term, "storing" has been changed to, "configured to store". Similarly and referring to claim 30, line 10 in the KIPO application and the corresponding claim 1, line 10 in the US application, the term, "executing" has been changed to, "configured to execute".
>
> Referring to claim 2, line 2 in the KIPO application and the corresponding claim 31, line 2 in the US application, the term, "providing" has been changed to, "configured to provide".

A proper response in this case must include:

(a) An explanation how the KIPO national application (KR 10-2006-0130958) with the allowable/patentable claims is related to the KIPO priority application (PCT/KR07/00528) above; and,

(b) The claims in the U.S. application must be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,186	08/11/2008	Byung Suk Kang	2832-0371PUS1	1220

2292 7590 12/09/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2189	

NOTIFICATION DATE	DELIVERY MODE
12/09/2008	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

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-747

In re Application of	:	
Byung Suk KANG	:	DECISION ON REQUEST TO
Application No. 12/089,186	:	PARTICIPATE IN PATENT
Filed: April 3, 2008-05-27	:	PROSECUTION HIGHWAY
Attorney Docket No. 2832-0371PUS1	:	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 May 15, 2008, to make the above-identified application special, and the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program, filed June 23, 2008. It is noted that an improper response was received June 20, 2008 by EFS and was not considered. This decision to grant the request to participate in the Patent Prosecution Highway (PPH) pilot program is based solely on the FAX transmission received June 23, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application is (a) a Paris Convention application, or (b) a national stage application under the PCT, or (c) a so-called bypass application filed under 35 USC 111(a) validly claiming benefit under 35 USC 120 to a PCT application, the PCT application validly claiming benefit under 35 USC 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Byung Suk Kang	:	
Application No. 12/089,186	:	DECISION GRANTING PETITION
Filed: August 11, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2832-0371PUS1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 26, 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 October 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2189 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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01 APR 2009

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
MINNIE, et al.	:	
U.S. Application No.: 12/089,197	:	DECISION ON PETITION
PCT No.: PCT/ZA06/00113	:	
Int. Filing Date: 02 October 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 04 October 2005	:	
Attorney Docket No.: HAHN32.001APC	:	
For: FILTRATION METHOD AND INSTALLATION	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 10 February 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Rudolph Ockert Minnie. Applicant has provided payment of the petition fee of $200.00.

BACKGROUND

On 02 October 2006, applicant filed international application PCT/ZA06/00113 which claimed priority to an earlier application filed 04 October 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 April 2008.

On 03 April 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 and a preliminary amendment.

On 11 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 10 February 2009, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a five-month extension of time and payment of the extension of time fee. With the payment of the five-month 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) above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case, applicant has not provided sufficient evidence to support the contention that the inventor cannot be located despite a diligent effort. Mr. Venter declares that he mailed a complete set of application papers to Mr. Minnie and that both parcels were returned as undeliverable. However, it does not appear that any action was taken once this packages were returned to locate the inventor. Applicant has not provided any search results to show that after the initial mailings to the inventor was returned a search was conducted to ascertain inventor Minnie's current address. Despite email communication from Mr. Minnie that he would be leaving Sasol in Qatar, it does not appear that applicant contacted Sasol in an attempt to obtain forwarding address. Similarly, applicant has not shown that any attempt was made to locate the inventor in London or Oxford, England despite Mr. Minnie's indication that he had received job offers in these cities.

For the above reasons it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

9 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
MINNIE, et al.	:	
U.S. Application No.: 12/089,197	:	DECISION ON PETITION
PCT No.: PCT/ZA06/00113	:	
Int. Filing Date: 02 October 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 04 October 2005	:	
Attorney Docket No.: HAHN32.001APC	:	
For: FILTRATION METHOD AND INSTALLATION	:	

This decision is in response to the applicant's renewed petition under 37 CFR §1.47 (a) filed 22 May 2009 in the United States Patent and Trademark Office (UPSTO).

BACKGROUND

On 01 April 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.

On 22 May 2009, applicant filed the present renewed petition under 37 CFR 1.47.

DISCUSSION

The renewed petition under 37 CFR 1.47(a) is moot since the presently filed declaration has been executed by the previous non-signing inventor, Ockert Rudolph Minnie. The filed declaration is acceptable under 37 CFR 1.497.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The application has an international filing date of 02 October 2006 and will be given a date of **22 May 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

23 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
MOSIMANN (deceased) et al.	:	DECISION ON
Application No.: 12/089,219	:	
PCT No.: PCT/EP2007/050621	:	PAPERS
Int. Filing Date: 23 January 2007	:	
Priority Date: 03 May 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 5034-1003	:	
For: HAND-HELD INSTRUMENT FOR DENTAL OR SURGICAL USE	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 04 April 2008, which was accompanied by a declaration of the inventors. The indication in this declaration that joint inventor David Mosimann is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 23 January 2007, applicants filed international application PCT/EP2007/050621, which designated the United States and claimed a priority date of 03 May 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 03 November 2008.

On 04 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication in the declaration that inventor David Mosimann is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 04 April 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 04 April 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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In re Application of	:	
DOETZ, Florian et al.	:	
Application No.: 12/089,310	:	DECISION
PCT No.: PCT/EP2006/066826	:	
Int. Filing Date: 28 September 2006	:	ON PETITION UNDER
Priority Date: 30 September 2005	:	
Docket No.: 13156*158	:	37 CFR 1.137(b)
For: ACTIVE SEMICONDUCTOR DEVICES	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 04 April 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 03-2775, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 04 April 2008.

/Erin P. Thomson/

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