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75074
NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
400 Technology Square
Cambridge, MA02139

In re Application of :
HENG *et al* :
U.S. Application No.: 12/089,335 :
PCT No.: [Unclear] :
Int. Filing Date: 04 October 2006 :
Priority Date: 04 October 2005 : **DECISION**
Attorney Docket No.: 34466-US-PCT :
For: BICYCLIC AROMATIC COMPOUNDS :
USEFUL AS INHIBITORS OF :
MITOGEN-ACTIVATED PROTEIN :
KINASE-ACTIVATED PROTEIN :
KINASE-2 :

This decision is in response to the papers filed 24 September 2008 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 04 April 2008, applicants filed papers to enter the national stage using the USPTO EFS-Web system as the national stage of PCT/EP2006/009957. The transmittal letter (Form PTO-1390) also listed the PCT number as PCT/EP2006/009957. All other papers filed indicate that the application was intended to be the national stage of PCT/EP2006/009597.

On 11 September 2008, a communication was mailed requesting clarification on the PCT number.

On 24 September 2008, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Applicants petition to correct the PCT number in the above-captioned national stage application to PCT/EP2006/009597. This request is treated as a petition under 37 CFR 1.182. The $400:00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated on the transmittal letter (PCT/EP2006/009957). Applicants also identified the PCT number as PCT/EP2006/009957 when filing the application

electronically using the USPTO EFS-Web

All other indications on the transmittal letter including the name of the inventors, the title, and the international filing date correspond to PCT/EP2006/009597. The ADS and declaration refer to the underlying international application as PCT/EP2006/009597. WIPO records also indicate that the title of the subject application corresponds to PCT/EP2006/009597. Moreover, applicants state in the instant petition that the PCT number should be PCT/EP2006/009557.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2006/009597.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP2006/009597.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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18 DEC 2008

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HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

In re Application of :
CANTONI, Carlo, et al. :
Application No.: 12/089,340 : DECISION
PCT No.: PCT/IT2005/000575 :
Int. Filing Date: 05 October 2005 : ON PETITION UNDER
Priority Date: None :
Docket No.: 82062-0264 : 37 CFR 1.47(a)
For: DISC BRAKING SYSTEM FOR A :
VEHICLE COMBINING SERVICE :
AND PARKING BRAKE :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 12 November 2008.

BACKGROUND

On 11 June 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating 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 12 November 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) have been met. The $200 petition fee has been paid. Applicant states the last known address of Tomasz Grabiec as Via Panzini, 17; I-24030 Mozzo, Bergamo; Italy. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants are attempting to establish that the non-signing inventor could not be reached after a diligent effort. However, Ms. Lynn Cruz-Boyden

does not have first hand knowledge of the attempts to locate a current address for the non-signing inventor. Further, while a single search in the absence of a firsthand statement of the efforts to locate would not be sufficient in any event, the search is in a language other than English and a translation has not been provided. Non-English, non-translated submissions are not considered.

CONCLUSION

For the above reasons, applicant's 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. 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 via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

2 1 APR 2009

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IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

In re Application of :
CANTONI, Carlo, et al. :
Application No.: 12/089,340 : DECISION
PCT No.: PCT/IT2005/000575 :
Int. Filing Date: 05 October 2005 : ON PETITION UNDER
Priority Date: None :
Docket No.: 82062-0264 : 37 CFR 1.47(a)
For: DISC BRAKING SYSTEM FOR A :
VEHICLE COMBINING SERVICE :
AND PARKING BRAKE :

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 18 February 2009.

BACKGROUND

On 18 December 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 18 February 2009, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) were previously satisfied. The $200 petition fee has been paid. Applicant states the last known address of Tomasz Grabiec as Via Panzini, 17; I-24030 Mozzo, Bergamo; Italy. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants are attempting to establish that the non-signing inventor could not be reached after a diligent effort. After having their mailings to the non-signing inventor returned as undeliverable, applicants conducted a single search in an online database for a new address in his former town. A diligent effort requires a broader search than just his former town.

CONCLUSION

For the above reasons, applicant's 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. 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 via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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29 SEP 2009

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555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

In re Application of	
CANTONI, Carlo, et al.	
Application No.: 12/089,340	DECISION
PCT No.: PCT/IT2005/000575	
Int. Filing Date: 05 October 2005	ON PETITION UNDER
Priority Date: None	
Docket No.: 82062-0264	37 CFR 1.47(a)
For: DISC BRAKING SYSTEM FOR A VEHICLE COMBINING SERVICE AND PARKING BRAKE	

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 14 August 2009.

BACKGROUND

On 21 April 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 14 August 2009, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) were previously satisfied. The $200 petition fee has been paid. Applicant states the last known address of Tomasz Grabiec as Via Panzini, 17; I-24030 Mozzo, Bergamo; Italy. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has been satisfied.

CONCLUSION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **12 November 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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2 8 SEP 2009

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Tomasz Grabiec
Via Panzini, 17
I-24030 Mozzo, Bergamo
Italy

In re Application of
CANTONI, Carlo, et al.
Application No.: 12/089,340
PCT No.: PCT/IT2005/000575
Int. Filing Date: 05 October 2005
Priority Date: None
Docket No.: 82062-0264
For: DISC BRAKING SYSTEM FOR A VEHICLE COMBINING SERVICE AND PARKING BRAKE

Dear Mr. Grabiec:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,349	04/04/2008	Kouji Koyama	740675-83	1803

78198 7590 03/15/2010

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

EXAMINER	
SHABMAN, MARK A	

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
03/15/2010	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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11911 Freedom Drive, Suite 750
Reston VA 20190

In re Application of
KOYAMA et al.
Application No.: 12/089,349
Filed: 04 April 2008
Attorney Docket No.: 740675-83
For: PROBE AND CANTILEVER

: 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 04 February 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

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

Conditions (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 conditions (1-3) and (5).

Regarding the requirement of condition (1), no statement has been received which sets forth the relationship between the Japanese application with the allowed claims (2007-538805) and the priority documents (PCT/JP2006/320135 and 2005-294183).

Regarding the requirement of condition (2), a copy to the allowed Japanese claims, a translation of the allowed claims, and a certificate of translation is not present in the file.

Regarding the requirement of condition (3), it cannot be determined if the claims substantially correspond since no copy of the allowed claims is present.

Regarding the requirement of condition (5), there appears to be a page missing from the translation (i.e. the page which contains the prior art citations).

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,349	04/04/2008	Kouji Koyama	740675-83	1803

78198 7590 05/07/2010

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

EXAMINER	
SHABMAN, MARK A	

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
05/07/2010	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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11911 Freedom Drive, Suite 750
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In re Application of
KOYAMA et al.
Application No.: 12/089,349
Filed: 04 April 2008
Attorney Docket No.: 740675-83
For: PROBE AND CANTILEVER

: 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 04 February 2010 and renewed on 07 April 2010, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application is

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

   or

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

   or

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

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

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, 5, 6, and 7 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, the claims in the instant application do not sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, claim 4 of the instant application is dependent on claim 1 while claim 4 of the JPO application is dependent on claims 2 or 3. Consequently, claim 4 of the instant application is broader than claim 4 of the JPO application since claim 4 of the instant application does not require the limitations of claim 2 or 3. Accordingly, the petition is denied.

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

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APR 16 2008

In re Application of	:	DECISION ON REQUEST TO
Omoyuki SAKAI et al	:	PARTICIPATE IN PATENT
Application No. 12/089350	:	PROSECUTION HIGHWAY
Filed: April 4, 2008	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 21713-00098-US	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 4, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition fails to include:

(1) 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); none of the

US claims appear to read as the Japanese allowed claims i.e. US Claim 1 differs in the preamble which broadens the claims and, therefore, is not of the same scope as the Japanese Claim ;

(2) Applicant must submit a statement that the English translation of the Japanese claims is accurate; and
(3) Applicant must submit a statement that the English translation of each of the office actions is accurate.

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

Kathryn Gorgos
TC 1700 TQAS

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Washington, DC 20006

JUN 3 2008

In re Application of	: DECISION ON REQUEST TO
Tomoyuki SAKAI et al.	: PARTICIPATE IN PATENT
Application No. 12/089350	: PROSECUTION HIGHWAY
Filed: April 4, 2008	: PILOT PROGRAM AND PETITION
Attorney Docket No. 21713-00098-US	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) and the preliminary amendment, filed May 12, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

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

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

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Alexandria, VA 22313-1450
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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of :
ANDERSON, TREVOR et al :
Application No. 12/089,360 :
Filed: September 19, 2008 :
Attorney Docket No. **29576-3300** :

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 April 07, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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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. 12/089,368
Filed: April 04, 2008
Attorney Docket No. 19819-232US1

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
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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. 12/089,370
Filed: April 04, 2008
Attorney Docket No. 19819-236US1

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:

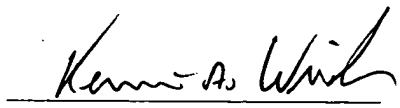
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation 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
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FISH & RICHARDSON P.C.
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MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK, et al.
Application No. 12/089,380
Filed: April 04, 2008
Attorney Docket No.: 19819-237US1

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:

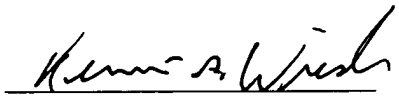
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation 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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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN, PA 19312-1183

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APR 16 2010

OFFICE OF PETITIONS

Applicant: Dahma, et al.
Appl. No.: 12/089,382
International Filing Date: October 3, 2006
Title: APTAMERS COMPRISING ARABINOSE MODIFIED NUCLEOTIDES
Attorney Docket: 134780.00101
Pub. No.: US 2009/0131352 A1
Pub. Date: May 21, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 17, 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 31.

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 words "along with" not being deleted from claim 31 as indicated in the preliminary amendment is not a material Office error in accordance with 37 CFR 1.221(b). The error is a minor typographical error that does not affect the understanding of the specification and claims. The error is not a material error, since the misprint does 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, or determine the scope of the patent application

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

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

In re Application of	:	
PANG, HEE SUK, et al.	:	DECISION ON REQUEST TO
Application No. 12/089,383	:	PARTICIPATE IN PATENT
Filed: April 04, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 19819-238US1	:	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:

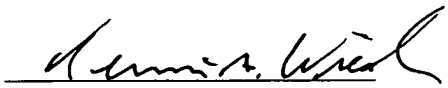
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation 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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PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
PANG, HEE SUK, et al.
Application No. 12/089,385
Filed: April 04, 2008
Attorney Docket No. 19819-239US1

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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CST

NOV 17 2008

In re application of	:	DECISION ON REQUEST TO
Akira Abe et al	:	PARTICIPATE IN PATENT
Serial No. 12/089,408	:	PROSECUTION HIGHWAY
Filed: April 7, 2008	:	PROGRAM AND
For: PARTICULATE COMBUSTION CATALYST, PARTICULATE FILTER, AND EXHAUST GAS CLEAN-UP SYSTEM	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed September 17, 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 similar claims (Japanese Patent Application No. 2007-539905) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2005-294122) and applicant has not identified the relationship between the JPO application with similar claims and the JPO application from which the U.S. application claims priority.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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February 9, 2009
CST

In re application of	:	DECISION ON REQUEST TO
Akira Abe et al	:	PARTICIPATE IN PATENT
Serial No. 12/089,408	:	PROSECUTION HIGHWAY
Filed: April 7, 2008	:	PROGRAM AND
For: PARTICULATE COMBUSTION CATALYST, PARTICULATE FILTER, AND EXHAUST GAS CLEAN-UP SYSTEM	:	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 November 25, 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 currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

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

23 JUN 2008

United States Patent and Trademark Office

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Alexandria, VA 22313-1450
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Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

In re Application of	:	
Laudenklos	:	
Application No.: 12/089,436	:	
PCT No.: PCT/EP2006/008734	:	
Int. Filing Date: 07 September 2006	:	DECISION
Priority Date: 07 September 2005	:	
Attorney Docket No.: 1032/0102 PUS1	:	
For: Protective Coating For A Ceramic Surface In A Casting Tool	:	

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 reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

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WINTON CA 95388

MAILED

JUL 26 2010

OFFICE OF PETITIONS

In re Application of :
Shengbo QU :
Application No. 12/089,438 : DECISION ON PETITION
Filed: April 7, 2008 :
Attorney Docket No. SHE-102 US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 14, 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 of Non-Compliant Amendment mailed, September 29, 2009, which set a reply of **one (1) month**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner in the normal course of business.

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

17 NOV 2008

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23413
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of
SAO *et al*
U.S. Application No.: 12/089,475
PCT No.: PCT/KR2006/003885
Int. Filing Date: 28 September 2006
Priority Date: 07 October 2005
Docket No.: SHS-0018
For: APPARATUS AND METHOD FOR CORRECTING NON-LINEAR DISTORTION BASED ON CHARACTERISTIC MODELING OF HIGH POWER AMPLIFIER

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 12 September 2008.

BACKGROUND

On 14 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee must be provided. Applicants were given two months to respond.

On 12 September 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a petition fee of $200.00; the surcharge fee of $65.00; a statement of facts; a declaration executed by six of the seven named inventors; Exhibit 1; and Attachment(s) 1 -4.

DISCUSSION

Petitioners allege that Seung-Won Kim is unavailable. As such, a petition under 37 CFR 1.47(a) was filed as response to the Notification of Missing Requirements.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; (4) and an oath or declaration executed by

the signing joint inventor on his behalf and on behalf of the nonsigning joint inventor. Items (1) and (3) are satisfied[1].

Regarding item (2), section 409.03(d)(I) of the MPEP discusses the situation whereby the inventor cannot be reached and states, in part:

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

Petitioners provided documentary evidence that foreign associates sent emails to the inventor on 11 February 2007, 09 April 2007, 22 May 2007, 5 June 2007, 28 June 2007, 30 August 2007, 31 August 2007 and 05 September 2007. Petitioners state that the missing inventor did not respond to any of the emails.

In order to meet the requirements of item (2), petitioners must show that a diligent effort was made to locate the nonsigning inventor. Sending several emails to the same email address (without receiving acknowledgment of receipt) and not receiving a response is insufficient. There is no evidence that these emails reached the nonsigning inventor.

Petitioners are required to attempt to locate the nonsigning inventor, or determine if the nonsigning inventor is refusing to cooperate. *See* § 409.03(d)(II) MPEP. Petitioners must list the steps taken to locate the nonsigning inventor with any renewed petition. Documentary evidence is also required.

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

---

[1] The $200.00 petition fee has been paid. The 37 CFR 1.47(a) applicants listed the last known address of the nonsigning inventor.

With regard to item (4), petitioners included a declaration signed by six of the seven joint inventors listed on the international publication. However, the copy of the declaration provided is not legible. The names, residences and citizenship of the inventors could not be read. A legible copy of the declaration is required.

For this reason, item (4) of 37 CFR 1.47(a) is also 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. Extension of time under 37 CFR 1.136(a) is available.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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13 MAR 2009

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23413
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of
SAO *et al*
U.S. Application No.: 12/089,475
PCT No.: PCT/KR2006/003885
Int. Filing Date: 28 September 2006
Priority Date: 07 October 2005
Docket No.: SHS-0018
For: APPARATUS AND METHOD FOR CORRECTING NON-LINEAR DISTORTION BASED ON CHARACTERISTIC MODELING OF HIGH POWER AMPLIFIER

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 19 January 2009.

BACKGROUND

On 17 November 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 19 January 2009, applicants filed the renewed petition which was accompanied by, *inter alia*, a declaration executed by six of the seven named inventors, a statement of facts, a $200.00 petition fee, and attachments 1 - 9.

DISCUSSION

Petitioners allege that Seung-Won Kim cannot be located.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s). Item (2) and (4) were not satisfied in the initial petition.

Regarding item (2), petitioners submitted a statement of facts by Mr. Hyang-Sil Kim setting forth the facts of their attempts to contact Seung-Won Kim. Petitioners also

provided documentary evidence as required in attachments 1 - 9.

A review of the evidence indicates that petitioners have provided ample evidence showing that a diligent effort was made to locate the nonsigning inventor. Petitioners detailed their efforts and provided documentary evidence of their searches. This evidence along with the previously filed evidence in the original petition is sufficient to satisfy item (2) of 37 CFR 1.47(a).

Concerning item (4), petitioners submitted a declaration in the initial petition that was not legible. Petitioners have provided a legible copy of the declaration as required. The declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of § 409.03(a)(A) of the MPEP. Item (4) of 37 CFR 1.47(a) is now satisfied.

All items of 37 CFR 1.47(a) are 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 28 September 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 January 2009.

The $200.00 petition fee has already been paid. The fee has been credited back to Deposit Account No. 06-1130.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record 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

13 MAR 2009

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Mr. Seung-Won Kim
#105-202 Kukhwa Apt., Samcheon-dong,
Seo-gu, Daejon 302-222
Republic of Korea

In re Application of
SAO *et al*
U.S. Application No.: 12/089,475
PCT No.: PCT/KR2006/003885
Int. Filing Date: 28 September 2006
Priority Date: 07 October 2005
Docket No.: SHS-0018
For: APPARATUS AND METHOD FOR CORRECTING NON-LINEAR DISTORTION BASED ON CHARACTERISTIC MODELING OF HIGH POWER AMPLIFIER

Dear Mr. Kim:

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

CANTOR COLBURN, LLP
20 Church Street
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17 MAR 2010

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82727
Jae Y. Park
KILE, GOEKJIAN, REED & McMANUS, PLLC
1200 New Hampshire Ave., N.W.,
Suite 570
Washington, DC 20036

In re Application of
SEO *et al*
U.S. Application No.: 12/089,475
PCT No.: PCT/KR2006/003885
Int. Filing Date: 28 September 2006
Priority Date: 07 October 2005
Docket No.: SHS-0018-ET
For: APPARATUS AND METHOD FOR CORRECTING NON-LINEAR DISTORTION BASED ON CHARACTERISTIC MODELING OF HIGH POWER AMPLIFIER

DECISION

This is a decision on applicants' second renewed petition under 37 CFR 1.47(a) filed 26 January 2010.

BACKGROUND

On 13 March 2009, a decision granting applicants' first renewed petition under 37 CFR 1.47(a) was mailed.

On 26 May 2009, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements of 19 January 2009. A filing receipt listing a "Filing or 371(c) Date" of "01/19/2009" was also mailed.

On 01 December 2009, a power of attorney appointing a new counsel was submitted.

On 26 January 2010, applicants filed a second renewed petition which was accompanied by, *inter alia*, a declaration executed by Seung-Won Kim.

DISCUSSION

Applicants' first renewed petition under 37 CFR 1.47(a) filed 19 January 2010 was granted on 13 March 2009. Applicants provided sufficient evidence to show that

co-inventor, Seung-Won Kim, could not be located.

A Form PCT/DO/EO/903 and filing receipt was mailed on 26 May 2009 recording that applicants completed all 35 U.S.C. 371 requirements on 19 January 2009.

No further action on the petition under 37 CFR 1.47(a) is necessary.

Nonetheless, applicants' filed a second renewed petition under 37 CFR 1.47(a) on 26 January 2010. Applicants included a declaration executed by the nonsigning inventor along with a copy of the previously filed declaration executed by the other six inventors.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) filed 26 January 2010 is **DISMISSED** as moot.

If reconsideration on the merits of this decision is desired, applicants have **TWO (2) MONTHS** from the mail date of this decision to provide a response.

It is noted that the declaration of Seung-Won Kim filed 26 January 2010 is not acceptable as it is not in compliance with 37 CFR 1.497(a)(3). The declaration lists only Seung-Won Kim as an inventor. There are seven inventors listed in the international publication.

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.

This application is being forwarded to the Technology Center for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

09 APR 2009

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
MELIS MAYNAR, Manuel et al.	:	
Application No.: 12/089,521	:	DECISION ON
PCT No.: PCT/ES2006/000477	:	
Int. Filing Date: 14 August 2006	:	PETITION
Priority Date: 06 October 2005	:	
Attorney Docket No.: HERR27.001APC	:	UNDER 37 CFR 1.42
For: SECTION INSULATOR FOR A RIGID CATENARY	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Carlos Vera Alvarez is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 June 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for supplying the search fee, examination fee or oath or declaration after 30 months was required.

On 08 August 2008, applicants filed a declaration of the inventors and the surcharge. The declaration indicated that a joint inventor is deceased.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration is not signed by a legal representative. Further, the declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration only lists the information for the inventors. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 and the surcharge for late filing of the search fee, examination fee or oath or declaration, within a time period of

TWO (2) MONTHS from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

14 SEP 2009

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2040 MAIN STREET
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IRVINE CA 92614

In re Application of	:	
MELIS MAYNAR, Manuel et al.	:	
Application No.: 12/089,521	:	DECISION ON
PCT No.: PCT/ES2006/000477	:	
Int. Filing Date: 14 August 2006	:	PETITION
Priority Date: 06 October 2005	:	
Attorney Docket No.: HERR27.001APC	:	UNDER 37 CFR 1.42
For: SECTION INSULATOR FOR A RIGID CATENARY	:	

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 01 July 2009.

BACKGROUND

On 09 April 2009, the Office mailed Decision On Petition Under 37 CFR 1.42.

On 01 July 2009, applicants filed this renewed submission accompanied by the fee for a one month extension of time.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

A review of the declaration of the inventors reveals that it does not comply with 37 CFR 1.497(a)-(b). The declaration does not list the citizenship of Jennifer Paulin.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497(a)-(b) within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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.

/Erin P. Thomson/

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23 DEC 2009

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2040 MAIN STREET
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IRVINE CA 92614

In re Application of	:	
MELIS MAYNAR, Manuel et al.	:	
Application No.: 12/089,521	:	DECISION ON
PCT No.: PCT/ES2006/000477	:	
Int. Filing Date: 14 August 2006	:	PETITION
Priority Date: 06 October 2005	:	
Attorney Docket No.: HERR27.001APC	:	UNDER 37 CFR 1.42
For: SECTION INSULATOR FOR A RIGID CATENARY	:	

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 26 October 2009.

BACKGROUND

On 14 September 2009, the Office mailed Decision On Petition Under 37 CFR 1.42.

On 26 October 2009, applicants filed this renewed submission accompanied by a new copy of the declaration.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 26 October 2009 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division 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

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.
12/089,571	08/15/2008	Arthur James Lowery	WATE-0018	4189

23377 7590 02/17/2010
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER	
VANDERPUYE, KENNETH N	
ART UNIT	**PAPER NUMBER**
2613	
MAIL DATE	**DELIVERY MODE**
02/17/2010	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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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of	:	
LOWERY, ARTHUR JAMES	:	DECISION ON REQUEST TO
Application No. 12/089,571	:	PARTICIPATE IN PATENT
Filed: August 15, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **WATE-0018**	:	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 April 13, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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 5 above in that the petition fails to include a copy of all the office actions from IPAU application containing the allowable/patentable claims. Please note that box 1. (a) was checked on PTO/SB/20AU, but no copy has been provided.

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 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

D.To

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,571	08/15/2008	Arthur James Lowery	WATE-0018	4189

23377 7590 07/22/2010

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER	
VANDERPUYE, KENNETH N	

ART UNIT	PAPER NUMBER
2613	

MAIL DATE	DELIVERY MODE
07/22/2010	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.

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of	:	
LOWERY, ARTHUR, et al	:	DECISION ON REQUEST TO
Application No. 12/089,571	:	PARTICIPATE IN PATENT
Filed: April 8, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. WATE-0018	:	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 March 12, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU 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 IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,573	04/08/2008	Luc T. Ikelle	LTIK.P-003-NP	4203

57380 7590 05/21/2010

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
05/21/2010	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):

docket-oppedahl@oppedahl.com

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Alexandria, VA 22313-1450
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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of
Luc T. IKELLE
Application No.: 12/089,573
Filed: 08 April 2008
Attorney Docket No.: LTIK.P-003-NP
For: IMAGING OF MULTISHOT SEISMIC DATA

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 29 April 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof, a statement that the English translation is accurate, if the claims are not in the English language and identify and explain why the claim(s) is/are not subject to any observation described in Box VIII;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

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

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

Conditions (2-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1).

Regarding the requirement of condition (1), U.S. application 12/089,573 does not have an eligible relationship to one or more PCT applications where the ISA or IPEA was the JPO, EPO, or USPTO. The ISA for PCT/US07/87817 was KIPO. Accordingly, the US application is not eligible for the PCT-PPH pilot program.

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.PCT.652. 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,573	04/08/2008	Luc T. Ikelle	LTIK.P-003-NP	4203

57380 7590 06/10/2010

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
06/10/2010	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):

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of
Luc T. IKELLE
Application No.: 12/089,573
Filed: 08 April 2008
Attorney Docket No.: LTIK.P-003-NP
For: IMAGING OF MULTISHOT SEISMIC DATA

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 29 April 2010 and renewed on 03 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application containing the claim(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

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

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

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

The renewed petition was filed subsequent to start date of the PCT-PPH pilot with KIPO and is being considered as the petition under the agreement.

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

17 JUN 2008

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of PLATTEEL	:	
U.S. Application No.: 12/089,588	:	
PCT Application No.: PCT/NL2006/000504	:	
Int. Filing Date: 05 October 2006	:	DECISION
Priority Date Claimed: 05 October 2005	:	
Attorney Docket No.: 14472/46001	:	
For: GREYWATER DEVICE AND METHOD FOR APPLYING SAME	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S." filed 08 April 2008.

BACKGROUND

On 05 October 2006, applicant filed international application PCT/NL2006/000504, which claimed priority of an earlier Netherlands application filed 05 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 05 April 2008.

On 06 April 2008, international application PCT/NL2006/000504 became abandoned as to the United States for failure to timely pay the basic national fee.

On 08 April 2008, applicant filed the present petition under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that an application be revived on the grounds of unavoidable abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(l), (3) a showing to the satisfaction of the 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 if the application was filed before 08 June 1995.

With regard to item (1) above, applicant has provided the required reply.

With regard to item (2) above, applicant has provided the required petition fee.

With regard to item (3) above, applicant has failed to make an adequate showing that abandonment of the present application was unavoidable. The petition states that the delay was the result of a docketing error.

MPEP 711.03(c), Section II. C. 2., states in relevant part,

> 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.

In the present case, the petition fails to establish that the required national stage papers would have been timely filed had the purported docketing error not occurred. Although the petition states that a reliable business routine for performing the clerical function was in place, the petition does not adequately describe every step in the docketing process. Such description should include a firsthand statement from the person responsible for the docketing process. Furthermore, the petition fails to sufficiently explain why the business routine was not followed in the instant case. Such explanation should include a firsthand statement from the person who made the error. Moreover, although the petition states that the people involved with the docketing process are sufficiently trained and experienced, the petition provides no details regarding the basis on which such statement is made, e.g. a description of the training process and the number of years of experience of the employee(s) who made the error.

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

The petition states that in the event that the present petition under 37 CFR 1.137(a) is not grantable, applicant alternatively petitions under 37 CFR 1.137(b).

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(a) is DISMISSED without prejudice.

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 05 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 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

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

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of:	:
UEDA, KEISUKE	: DECISION ON REQUEST TO
Serial No.: 12/089,617	: PARTICIPATE IN PATENT
Filed: Apr. 9, 2008	: PROSECUTION HIGHWAY
Docket: 2008-0592A	: (PPH) AND PETITION TO
Title: MOVEMENT ASSISTING DEVICE AND MOVEMENT ASSISTING METHOD	: 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 Oct. 23, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

Petition is **granted**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

30 OCT 2008

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United States Patent and Trademark Office
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www.uspto.gov

CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM MI 48009

In re Application of	:	
FONTENEAU et al.	:	
Application No.: 12/089,629	:	DECISION ON
PCT No.: PCT/IB2005/002756	:	
Int. Filing Date: 09 September 2005	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 60469-417PUS1;0000058-US	:	37 CFR 1.137(b)
For: ELECTRIC SAFETY SWITCH RESETTING DEVICE FOR A CAR SAFETY DEVICE OF ELEVATORS	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 11 August 2008.

BACKGROUND

On 09 September 2005, applicants filed international application PCT/IB2005/002756 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 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 09 April 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 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months from the priority date.

On 11 August 2008, 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), applicant submitted the U.S. Basic National Fee on 09 April 2008.

As to item (2), applicant submitted the petition fee on 11 August 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.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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Pearne & Gordon, LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

MAILED

DEC 08 2009

OFFICE OF PETITIONS

In re Application of :
Giorgio Gaiti :
Application No. 12/089,647 : NOTICE
Filed: April 9, 2008 :
Attorney Docket No. BUG8-43580 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 22, 2009. 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. The petition is **GRANTED**.

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.

This file is being forwarded to Files Repository.

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

Carl Friedman
Petitions Examiner
Office of Petitions

0 8 JAN 2009

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of	:	
PARK, et al.	:	
U.S. Application No.: 12/089,657	:	DECISION ON PETITION
PCT No.: PCT/KR05/04542	:	
Int. Filing Date: 26 December 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 27 October 2005	:	
Attorney Docket No.: CU-6645 WWP	:	
For: APPARATUS FOR EQUALIZING DECISION FEEDBACK BASED ON CHANNEL PROPERTIES CHANGE..METHOD THEREFOR	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 04 December 2008 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Seung-Won Kim. As authorized, the petition fee of $200.00 will be charged to deposit account number 12-0400.

BACKGROUND

On 26 December 2005, applicant filed international application PCT/KR05/04542 which claimed priority to an earlier application filed 27 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 03 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 April 2008.

On 09 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, an Application Data Sheet and a combined declaration and power of attorney signed by all of the inventors except Seung-Won Kim.

On 09 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 04 December 2008, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a three-month extension of time and payment of the extension of time fee. With the payment of the three-month extension of time fee, the present response is considered timely filed.

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) 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 any evidence to support the contention that the inventor cannot be located despite a diligent effort. It appears that the "Statement of Facts" referenced as item "(2)" in the petition was not included. Applicant has provided search results to show that after the initial mailing to the inventor was returned a search was conducted to ascertain inventor Kim's current address. However, no statement was included detailing what course of action was taken after the running of this search.

As to item (3), applicant's petition does not list the inventor's last known address.

As such, it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

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

2 3 FEB 2009

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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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of	:	
PARK, et al.	:	
U.S. Application No.: 12/089,657	:	DECISION ON PETITION
PCT No.: PCT/KR05/04542	:	
Int. Filing Date: 26 December 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 27 October 2005	:	
Attorney Docket No.: CU-6645 WWP	:	
For: APPARATUS FOR EQUALIZING DECISION FEEDBACK BASED ON CHANNEL PROPERTIES CHANGE..METHOD THEREFOR	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 21 January 2009 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Seung-Won KIM.

BACKGROUND

On 08 January 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 21 January 2009, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 31 August 2006, 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 items1 and 4.

With the filing of the renewed petition and accompanying exhibits applicant has satisfied the remaining two items. Applicant has provided a firsthand statement detailing the diligent efforts to obtain an additional, current address for the inventor with supporting material and provided the last known address of the inventor.

In light of the above, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 26 December 2005 under 35 U.S.C. 363, and will be given a date of **21 January 2009** under 35 U.S.C. 371 (c).

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. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
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23 FEB 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. Seung-Won Kim
#105-202 Kukhwa Apt.,
Samcheon-dong, Seo-qu
Daejon 302-222
REPUBLIC OF KOREA

In re Application of
PARK, et al.
U.S. Application No.: 12/089,657
PCT No.: PCT/KR05/04542
Int. Filing Date: 26 December 2005
Priority Date: 27 October 2005
Attorney Docket No.: CU-6645 WWP
For: APPARATUS FOR EQUALIZING DECISION FEEDBACK BASED ON CHANNEL PROPERTIES CHANGE..METHOD THEREFOR

Dear Mr. Kim:

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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Loren K. Thompson
Ladas & Parry, LLP
224 South Michigan Avenue
Chicago, Illinois
UNITED STATES OF AMERICA

UNITED STATES PATENT AND TRADEMARK OFFICE

15 APR 2009

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LADAS & PARRY LLP
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CHICAGO IL 60604

In re Application of	:	
PARK, et al.	:	
U.S. Application No.: 12/089,657	:	DECISION ON PETITION
PCT No.: PCT/KR05/04542	:	
Int. Filing Date: 26 December 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 27 October 2005	:	
Attorney Docket No.: CU-6645 WWP	:	
For: APPARATUS FOR EQUALIZING DECISION FEEDBACK BASED ON CHANNEL PROPERTIES CHANGE..METHOD THEREFOR	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(a) & SUBMISSION OF DECLARATION/POWER OF ATTORNEY" filed 12 March 2009 in the United States Patent and Trademark Office (USPTO).

On 23 February 2009, applicant was mailed a decision granting applicant's petition under 37 CFR 1.47(a).

On 12 March 2009, applicant filed the present renewed petition indicating that the previously non-signing inventor had been located and submitting an executed declaration of the inventor.

Applicant is advised that there is no provision for additional proceedings under 37 CFR 1.47 once a petition has been granted. As such, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot**. As detailed in 37 CFR 1.47(a), inventor Seung-Won Kim has joined the application by providing a declaration in compliance with 37 CFR 1.63 and 37 CFR 1.497(a).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903) per the decision of 23 February 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 JUN 2008

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United States Patent and Trademark Office
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HEATHER A. KARTSOUNES
520 W. ERIE STREET
SUITE 210
CHICAGO IL 60610

In re Application of RUDDOCK et al.
Application No.: 12/089,703
PCT No.: PCT/AU06/01436
Int. Filing: 04 October 2006
Priority Date: 04 October 2005
Attorney Docket No.: PA036-US-PCT
For: ELECTRONIC COMMUNICATION SYSTEM

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

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 this 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.

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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,704		Trevor Anderson	29576-3400	5888

21611 7590 07/20/2009
SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER	
ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
07/20/2009	PAPER

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

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

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of: T. ANDERSON
Application No. 12/089704
Filed: April 9, 2008
Atty. Docket No.: 29576-3400
For: METHOD AND APPARATUS FOR AUTOMATED IDENTIFICATION OF SIGNAL CHARACTERISTICS

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 April 7, 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 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 IPAU, 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 IPAU, 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 IPAU, 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 the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 action(s) (which are relevant to patentability) from each of the IPAU application(s) containing the allowable/patentable claim(s);

(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action (unless already submitted in this application) along with copies of the documents except U.S. patents or U.S. patent application publications;

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

The request to participate in the PPH pilot program and petition fail to meet:

A. Item 3 above. Specifically,

1) Claims 3-5 and 8 of the instant U.S. application seem to differ in scope from the corresponding allowed claims (as recited in the claims correspondence table of the instant petition) of the corresponding Australian application, because the claims 305 in the US application depend from claim 1, whereas the corresponding claims of the Australian application depend from claim 2, thus changing the scope of the claims. Also, claim 8 of the instant US application depends from claim 1 whereas the corresponding claim in the Australian application depends from claim 7, thus changing the scope of the claim in the US application.

Applicant is requested to review the claims in view of the comments above to make sure that all the claims are in compliance with guidelines set forth above for a grantable petition to make special.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,704		Trevor Anderson	29576-3400	5888

21611 7590 10/07/2009

SNELL & WILMER LLP (OC)
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COSTA MESA, CA 92626

EXAMINER	
ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
10/07/2009	PAPER

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

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

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of: T. ANDERSON
Application No. 12/089704
Filed: April 9, 2008
Atty. Docket No.: 29576-3400
For: METHOD AND APPARATUS FOR AUTOMATED IDENTIFICATION OF SIGNAL CHARACTERISTICS

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 ~~April 7~~ July 30, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the IPAU, 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 IPAU, 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 IPAU, 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 the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 action(s) (which are relevant to patentability) from each of the IPAU application(s) containing the allowable/patentable claim(s);

(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action (unless already submitted in this application) along with copies of the documents except U.S. patents or U.S. patent application publications;

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

The request to participate in the PPH pilot program 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 undergoing pre-examination processing. Once it is released for examination, the application will be 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

UNITED STATES PATENT and TRADEMARK OFFICE

05 JAN 2009

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ALEXANDRIA, VA 22313-1450
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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

In re Application of	:	DECISION ON
Carles Puente et al	:	
PCT No.: PCT/IB2006/002975	:	
Application No.: 12/089,751	:	
Int. Filing Date: 12 October 2006	:	PETITION UNDER
Priority Date: 14 October 2005	:	
Attorney's Docket No.: 47005-P043WOUS	:	
For: SLIM TRIPLE BAND ANTENNA ARRAY	:	
FOR CELLULAR BASE STATIONS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 C.R.F. §1.47(a)" filed on 20 October 2008. The petition fee of $200.00 has been paid.

BACKGROUND

On 12 October 2006, petitioner filed international application PCT/IB2006/002975, which claimed priority to an earlier application filed 14 October 2005. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 14 April 2008.

On 10 April 2008, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 06 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) 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 months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 20 October 2008, petitioner filed the present petition accompanied, inter alia, an executed Declaration.

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.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written

> refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a). However, item (2) has not been satisfied.

Regarding requirement (1), petitioner has provided the proper fee of $200.00 under 37 CFR 1.17(g).

Regarding requirement (2), in this case, Ms. Marta Barba has not sufficiently demonstrated that a copy of the application papers were presented to the non-signing joint inventor, Dillon Kirchhofer. It is unclear what documents were forwarded to Mr. Kirchhofer because there is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for review and his signature from petitioner. The papers forwarded to him do not appear to include a copy of the complete application papers since only the declaration and assignment were mentioned as being sent to him for his review and signature.

Moreover, it is unclear if Ms. Barba has first hand knowledge of the emails and the mailings to the nonsigning inventor because it appears it was Inma Carrera that sent the papers, and someone in the department of IPR Department (based on the cover letter) that mailed the documents. If Ms. Barba does not have first hand knowledge, then petitioner needs to submit statements, with specific facts on the actions referred to the emails and mailing of the documents to the nonsigning inventor by persons who have first-hand knowledge of such facts.

The current record does not sufficiently establish Mr. Kirchhofer's refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

> Dillon Kirchhofer
> 114 Diamond Court
> Taylorsville, Kentucky 40071

Regarding item (4), petitioner has provided an executed declaration signed by Jaume Anguera, Carles Puente, Carmen Borja, and Anthony Teillet on there behalf and on the behalf of the nonsigning joint inventor Dillon Kirchhoffer.

Consequently, the petition does not satisfy all the requirements 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)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

06 MAY 2009

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DALLAS TX 75201

In re Application of	:	DECISION ON
Carles Puente et al	:	
Application No.: 12/089,751	:	
PCT No.: PCT/IB2006/002975	:	
Int. Filing Date: 12 October 2006	:	PETITION UNDER
Priority Date: 14 October 2005	:	
Attorney's Docket No.: 47005-P043WOUS	:	
For: SLIM TRIPLE BAND ANTENNA ARRAY	:	
FOR CELLULAR BASE STATIONS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(A)" filed on 03 March 2009.

BACKGROUND

In a decision from this Office on 05 January 2009, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 03 March 2009, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 05 February 2008 with respect to accepting the above application without the signature of Dillon Kirehhofer.

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 03 March 2009 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statement by Ms. Marta Barba on 03 March 2009, who has first-hand knowledge of the facts, as she states that it was her who mailed the correspondence on July 16, 2008 for the IPR Department Fractus S.A., which included a copy of application papers. They were delivered on July 17, 2008 to Mr. Kirchhoffer, and he has not signed and returned the required papers. Ms Barba has properly provided statements outlining the steps taken to mail the application papers to the non-signing inventor.

Consequently, at this time it can be concluded that Mr. Kirchhoffer has refused to sign the documents.

Petitioner has now satisfied item (2) 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 **20 October 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.

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

06 MAY 2009

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

Dillon Kirchhofer
114 Diamond Court
Taylorsville, Kentucky 40071

In re Application of
Carles Puente et al
PCT No.: PCT/IB2006/002975
Application No.: 12/089,751
Int. Filing Date: 12 October 2006
Priority Date: 14 October 2005
Attorney's Docket No.: 47005-P043WOUS
For: SLIM TRIPLE BAND ANTENNA ARRAY
FOR CELLULAR BASE STATIONS

Dear: Mr. Kirchhofer,

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

WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

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Alexandria, VA 22313-1450
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LAW OFFICES OF ALBERT WAI-KIT CHAN, PLLC
WORLD PLAZA, SUITE 604
141-07 20TH AVENUE
WHITESTONE, NY 11357

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Yun Kai Tam, et al. :
Application No. 12/089,816 : DECISION ON PETITION
Filed: April 10, 2008 : TO WITHDRAW
Attorney Docket No. 1127-D-PCT-US : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 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. or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

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

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

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

Attachment: Blank copy of form PTO/SB/83

cc: YUN KAU TAM
33 RIVER ROAD NORTH 9TH STREET
FAIRVIEW PARK
YUEN LONG, N.T., HONG KONG
CHINA

UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2008

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
STEHR et al.	:	
Application No.: 12/089,849	:	DECISION
PCT No.: PCT/EP2005/010910	:	
Int. Filing Date: 11 October 2005	:	
Priority Date: None	:	
Attorney's Docket No.: STEHR16	:	
For: AGITATOR MILL	:	

This decision is in response to applicants' petition filed 10 July 2008 in the United States Patent and Trademark Office (USPTO), which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 11 October 2005, applicants filed international application PCT/EP2005/010910, which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau 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, 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 and a copy of a declaration filed in the international application under PCT Rule 4.17(iv).

On 09 May 2008, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventors filed 10 April 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it was executed after the international filing date and does not identify the application to which it is directed, and that a new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 10 July 2008, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition filed 10 July 2008 requests that the NOTIFICATION OF MISSING REQUIREMENTS mailed 09 May 2008 be vacated because, applicants urge, the declaration of inventors filed in the international application under PCT Rule 4.17(iv) is sufficient.

The copy of the declaration under PCT Rule 4.17(iv) filed 10 April 2008 was not in compliance with 37 CFR 1.497(a)-(b) because it did not identify the application to which it was directed. Attention is directed to the instructions in the Request (Form PCT/RO/101) for Box No. VIII(iv) which state that where "**the declaration** was not included in the request, but **is furnished later**, the PCT application number MUST be indicated within the text of Box No. VIII(iv)" (emphasis in original). As noted in the petition filed 10 July 2008, the copy of the PCT Rule 4.17 declaration filed 10 April 2008 was not included in the request but was furnished later. (The date of execution is after the international filing date.)

CONCLUSION

Applicants are required to file a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the NOTIFICATION mailed 09 May 2008, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the NOTIFICATION mailed 09 May 2008 may be extended under 37 CFR 1.136(a).

Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAIL

OCT 02 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
TSUKIMOTO, HIROSHI
Application No. 12/089,855
Filed: August 08, 2008
Attorney Docket No. 091619-0TBD

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 July 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:

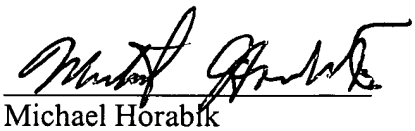
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

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

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

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



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

30 MAR 2009

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

Sheridan Ross PC
1560 Broadway
Suite 1200
Denver, CO 80202

In re Application of
GEORGE et al.
Application No.: 12/089,872
PCT No.: PCT/CA06/01685
Int. Filing Date: 13 October 2006
Priority Date: 13 October 2005
Attorney Docket No.: 17506-014US1
For: CHIMERIC HEPATITIS C VIRUS ANTIGENS FOR ELICITING AN IMMUNE RESPONSE

DECISION ON PETITION UNDER 37 CFR 1.137(b) AND 37 CFR 1.42

This decision is issued in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) filed 10 February 2009 to revive the above-identified application. The $810.00 petition fee has been paid.

BACKGROUND

On 13 October 2006, applicants filed international application PCT/CA06/01685, which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 April 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 April 2008.

On 10 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); a copy of the international application; a preliminary amendment, and an application data sheet.

On 06 June 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821(c) and (e). The notification set a two-month time limit in which to respond.

On 10 February 2009, applicants filed the present petition under 37 CFR 1.137(b); a sequence listing; and an executed declaration. The declaration is executed by: Rajan

George; Lorne Tyrrell; Dakun Wang; Allan Ma; Bruce Motyka; and an individual on behalf of deceased inventor, Antoine Noujaim.

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 was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2) - (4) have been satisfied.

With respect to item (1), the "required reply" in the present circumstances is a proper response to the 06 June 2008 Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), that is, (1) a Sequence Listing as required by 37 CFR 1.821(c) and (e); (2) an acceptable declaration executed by the inventors; and (3) $455 in additional fees. (The present submission includes a Sequence Listing as required by 37 CFR 1.821(c) and (e) which has been forwarded to Scientific and Technical Information Center for further processing. Additionally, applicants submitted the $455 in additional fees.)

However, an acceptable signed oath/declaration of the inventor(s) (see below) was not furnished; therefore, all of the requirements of 37 CFR 1.137(b) for a complete response have not been fulfilled and the application remains ABANDONED.

Declaration of the Inventors under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

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

The declaration filed 10 February 2009 is executed by Rajan George; Lorne Tyrrell; Dakun Wang; Allan Ma; Bruce Motyka as an inventors and an individual on behalf of the deceased inventor, Antoine Noujaim. The declaration fails to identify the person signing the declaration for Antoine Noujaim. In this case, the declaration should be executed by the legal representative (executor, administrator, etc.) of the deceased inventor. Further, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is

> the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the citizenship and former residence and post office address of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide residence, citizenship, and post office address for the legal representative. The declaration filed on 10 February 2009 does not include the name, residence, citizenship, and post office address for the legal representative. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

The petition 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

A proper response must include a declaration in accordance with 37 CFR 1.497(a) and (b) and 37 CFR 1.42.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Sheridan Ross PC
1560 Broadway
Suite 1200
Denver, CO 80202

In re Application of :
GEORGE et al. :
Application No.: 12/089,872 : DECISION ON
PCT No.: PCT/CA06/01685 : PETITION UNDER
Int. Filing Date: 13 October 2006 : 37 CFR 1.137(b)
Priority Date: 13 October 2005 : AND
Attorney Docket No.: 17506-014US1 : 37 CFR 1.42
For: CHIMERIC HEPATITIS C VIRUS ANTIGENS FOR ELICITING AN IMMUNE RESPONSE

This decision is issued in response to the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) filed 29 April 2009 to revive the above-identified application.

BACKGROUND

On 13 October 2006, applicants filed international application PCT/CA06/01685, which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 April 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 April 2008.

On 10 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); a copy of the international application; a preliminary amendment, and an application data sheet.

On 06 June 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821(c) and (e). The notification set a two-month time limit in which to respond.

On 10 February 2009, applicants filed a petition under 37 CFR 1.137(b); a sequence listing; and an executed declaration. The declaration is executed by: Rajan George; Lorne

Tyrrell; Dakun Wang; Allan Ma; Bruce Motyka; and an individual on behalf of deceased inventor, Antoine Noujaim. In a decision dated 30 March 2009, applicants' petition under 37 CFR 1.137(b) was dismissed without prejudice.

On 29 April 2009, applicants filed the present renewed petition under 37 CFR 1.137(b) and 37 CFR 1.42.

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 was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2) - (4) have been satisfied.

With respect to item (1), the "required reply" in the present circumstances is a proper response to the 06 June 2008 Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), that is, (1) a Sequence Listing as required by 37 CFR 1.821(c) and (e); (2) an acceptable declaration executed by the inventors; and (3) $455 in additional fees. (The previous submission included a Sequence Listing as required by 37 CFR 1.821(c) and (e) and the $455 in additional fees.)

Declaration of the Inventors under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead,* states, in part:

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

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 29 April 2009 was executed by Bruce Darryl Hirsche as "legal representative" to the deceased inventor, Antoine A.Noujaim. 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 petition to revive under 37 CFR 1.137(b) is **GRANTED**.

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
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/089,908	07/22/2008	Alexander Azzawi	2903867-011000	7543

84331 7590 01/07/2010

Baker Donelson Bearman, Caldwell & Berkowitz, PC
555 Eleventh Street, NW, Sixth Floor
Washington, DC 20004

EXAMINER	
NWAONICHA, CHUKWUMA O	
ART UNIT	PAPER NUMBER
1621	

MAIL DATE	DELIVERY MODE
01/07/2010	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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JAN 0 7 2010

Baker Donelson Bearman, Caldwell & Berkowitz, PC
555 Eleventh Street, NW, Sixth Floor
Washington DC 20004

In re Application of	:	
AZZAWI, ALEXANDER	:	DECISION ON REQUEST TO
Application No. 12/089908	:	PARTICIPATE IN PATENT
Filed: July 22, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2903867-011000	:	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 3 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 DPMA;
(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 DPMA 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 DPMA 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 DPMA examiner in the DPMA 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:

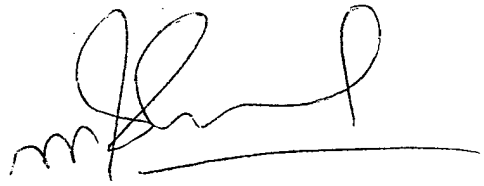
The petition does not include a copy of the DE office actions and a copy of the claims determined to be patentable by DPMA in German language. It is noted that the English translation of the above documents have been provided.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MAR 02 2010

Baker Donelson Bearman, Caldwell & Berkowitz, PC
555 Eleventh Street, NW, Sixth Floor
Washington DC 20004

In re Application of	:	
AZZAWI, ALEXANDER	:	DECISION ON REQUEST TO
Application No. 12/089908	:	PARTICIPATE IN PATENT
Filed: July 22, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2903867-011000	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This letter is in response to the Request for Reconsideration filed 2 February 2010, to reconsider the Dismissal Decision of 07 January 2010 on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 3 September 2009, to make the above-identified application special.

BACKGROUND

On 07 January 2010, Applicants' request and petition to participate in the PPH program was denied as the request did not include a copy of the DE office actions and a copy of the claims determined to be patentable by DPMA in German language.

DISCUSSION

In their request for reconsideration, Applicants provided a copy of the DE office actions and a copy of the claims determined to be patentable by DPMA in German language. All the requirements for the PPH petition are now met.

Accordingly, the request for reconsideration and petition are **GRANTED.**

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

17 APR 2009

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Alexandria, VA 22313-1450
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The Rafferty Patent Law Firm
1952 Gallows Road
Suite 200
Vienna VA 22182-3823

In re Application of :
UM, Pyung-youg :
Application.: 12/089,912 : DECISION ON PETITION
PCT No.: PCT/KR06/04084 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 11 October 2006 :
Priority Date: 11 October 2005 :
Attorney Docket No.: P10097US :
For: PARTITION-TYPE HEATING :
APPARATUS

The petition to revive under 37 CFR 1.137(b) filed 08 April 2009 in the above-captioned application is hereby GRANTED as follows:

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

A review of the application file reveals that applicants have submitted the required response (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
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Facsimile: (571) 273-0459

United States Patent and Trademark Office

30 JUN 2009

Commissioner for Patents
United States Patent and Trademark Office
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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of HASHIMOTO
Application No.: 12/089,932
PCT No.: PCT/JP2006/309335
Int. Filing Date: 9 May 2006
Priority Date: 18 May 2005
Attorney Docket No: 92849-257561
For: DISPLAY DEVICE

DECISION ON PETITION TO REVIVE
UNDER
37 C.F.R. 1.137 (b)

This decision is in response to applicant's "PETITION TO REVIVE UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 11 April 2008.

BACKGROUND

On 9 May 2006, applicant filed international application PCT/JP2006/309335. The international application designated the United States and claimed priority to Japanese application JP 2005-145582 filed on 18 May 2005. The deadline for payment of the basic national fee was 18 November 2007 which is thirty months from the priority date. Applicant missed the deadline by failing to pay the appropriate basic national fee and the application became abandoned at midnight 18 November 2007.

On 11 April 2008, applicant filed the present petition under 37 C.F.R 1.137(b) to revive the application.

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).

Applicant has satisfied items (1) and (3)-(4) but not item (2) of 37 CFR 1.137(b).

Regarding item (1), applicant has provided the required reply in the form of the basic national fee.

Regarding item (2), a petition fee of $1,540 was received in 111(a) application 11/946,548, as the petition fee was directed to that application as stipulated by the Atty. Docket No. 92849-253620 on the petition form. There is no authorization to charge deposit account in the instant application and the petition fee can not be transferred. As a result, item (2) has not been satisfied.

Regarding item (3), 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" and satisfies the requirement.

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

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If consideration on the merits of the petition is desired, a proper response must be filed within TWO(2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

S. B. McPartlin

Sarah McPartlin
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R. Bacares

Rafael Bacares
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In re Application of HASHIMOTO	: DECISION ON
US Application No.: 12/089,932	:
PCT Application No.: PCT/JP2006/309335	:
Int. Filing Date: 9 May 2006	: PETITION UNDER
Priority Date: 18 May 2005	:
Attorney's File Reference: 92849-257561	:
For: DISPLAY DEVICE	: 37 CFR 1.137 (b)
	:

This is in response to applicant's "Renewed Petition Under 27 CFR 1.137(b)" filed on 22 July 2009.

BACKGROUND

On 09 May 2006, applicants filed international application PCT/JP2006/309335. The international application designated the United States and claimed priority to Japanese application JP 2005-145582 filed on 18 May 2005. The deadline for payment of the basic national fee was 18 November 2007 which is thirty month from the priority data. Applicant missed the deadline by failing to pay the appropriate basic national fee and the application abandoned at midnight 18 November 2007.

On 11 April 2008, applicant filed a petition under 37 CFR 1.137 (b).

On 30 June 2009 this office mailed a decision dismissing the 11 April 2008 petition.

On 22 July 2009, applicant filed the present petition under 37 CFR 1.137(b) to revive the application.

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). A proper reply requires payment of the basic national fee and submission of a copy of the international application, if such a copy has not already been communicated by the International Bureau.

The submission of the 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). An appropriate statement under 37 CFR 1.137(b)(3) has been provided. A terminal disclaimer is not required because the application was filed after 08 June 1995, which satisfies the requirements of 37 CFR 1.137 (b)(4). 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.

This applicant has an international filing date under 35 U.S.C. 363 of 09 May 2006 and a date under 35 U.S.C 371(c)(1), (c)(2), and (c)(4) of 11 April 2008.

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

Bryan Lin

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Administration
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Bryan Lin
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07 JAN 2009

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In re Application of TONG et al :
U.S. Application No.: 12/089,938 :
PCT Application No.: PCT/CA2006/001665 :
Int. Filing Date: 12 October 2006 : DECISION
Priority Date Claimed: 12 October 2005 :
Attorney Docket No.: 71493-1642/jas :
For: MULTI-USER MIMO SYSTEMS AND METHODS :

This is in response to applicant's correspondence filed 02 September 2008, which is being treated as a petition to correct inventorship under 37 CFR 1.497(d).

BACKGROUND

On 12 October 2006, applicant filed international application PCT/CA2006/001665, which claimed priority of an earlier United States application filed 12 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2008.

On 11 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 30 June 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 02 September 2008, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Peiying Zhu 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 not been provided.

With regard to item (2) above, the requisite processing fee has not 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 DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)".

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

Bryan Lin

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UNITED STATES PATENT AND TRADEMARK OFFICE

08 APR 2009

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In re Application of TONG et al :
U.S. Application No.: 12/089,938 :
PCT Application No.: PCT/CA2006/001665 :
Int. Filing Date: 12 October 2006 : DECISION
Priority Date Claimed: 12 October 2005 :
Attorney Docket No.: 71493-1642/jas :
For: MULTI-USER MIMO SYSTEMS AND METHODS :

This is in response to the renewed petition under 37 CFR 1.497(d) filed 23 February 2009.

BACKGROUND

On 12 October 2006, applicant filed international application PCT/CA2006/001665, which claimed priority of an earlier United States application filed 12 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2008.

On 11 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 30 June 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 02 September 2008, applicant filed a petition under 37 CFR 1.497(d).

On 07 January 2009, this Office mailed a decision dismissing the 02 September 2008 petition.

On 23 February 2009, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Peiying Zhu 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 statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition states that Nortel Networks Limited ("Nortel") is the assignee of the present application. However, written consent to the correction of inventorship from Nortel has not been provided. Contrary to petitioner's assertion, the fact that Peiying Zhu previously assigned his rights to Nortel is not relevant to the requirement that Nortel consent to the correction of inventorship.

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 DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)".

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

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29 JUL 2009

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In re Application of TONG et al	:	
U.S. Application No.: 12/089,938	:	
PCT Application No.: PCT/CA2006/001665	:	
Int. Filing Date: 12 October 2006	:	DECISION
Priority Date Claimed: 12 October 2005	:	
Attorney Docket No.: 71493-1642/jas	:	
For: MULTI-USER MIMO SYSTEMS AND METHODS	:	

This is in response to the renewed petition under 37 CFR 1.497(d) filed 02 June 2009.

BACKGROUND

On 12 October 2006, applicant filed international application PCT/CA2006/001665, which claimed priority of an earlier United States application filed 12 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2008.

On 11 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 30 June 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 02 September 2008, applicant filed a petition under 37 CFR 1.497(d).

On 07 January 2009, this Office mailed a decision dismissing the 02 September 2008 petition.

On 23 February 2009, applicant filed a renewed petition under 37 CFR 1.497(d).

On 08 April 2009, this Office mailed a decision dismissing the 23 February 2009 petition.

On 02 June 2009, applicant filed the present second renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Peiying Zhu 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.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the present petition includes the required written consent from the assignee.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 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

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14 APR 2008

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In re Application of SCHOENBACH et al.
Application No.: 12/089,973
PCT No.: PCT/US06/32440
Int. Filing: 21 August 2006
Priority Date: 19 August 2005
Attorney Docket No.: 7967-4-2
For: ULTRAWIDEBAND ANTENNA FOR OPERATION IN TISSUE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

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 required reply until the filing of this 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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MAY 04 2010

OFFICE OF PETITIONS

In re Application of
Ig-Gu Choi
Application No. 12/089,979
Filed: April 11, 2008
Attorney Docket No. 20040-00030

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 (no fee), filed January 7, 2010, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed September 3, 2009, which set a three (3) months shortened statutory period for reply. A reply was due on or before December 3. 2009.

Petitioner states that a reply was in fact timely filed "by First Class U.S. Postal Service on December 3, 2009."

It is noted that the Part B – Fee(s) Transmittal form contains a Certificate of Mailing under 37 CFR 1.8, dated for December 3, 2009. However, a review of the record discloses that the U.S. Patent and Trademark Office (USPTO) received $1,055 for payment of the issue fee and publication fees on December 22, 2009. Since the Office notes the inordinate delay between the time the issue fee was mailed (December 3, 2009) and received (December 22, 2009) in the USPTO, the undersigned is relying on petitioner's Certificate of Mailing dated for December 3, 2009 and the postcard receipt, which itemizes the "Issue Fee Transmittal Form; Credit Card Payment Form in the amount of $1055 (1p); and To-Be Returned Postcard", which also contains a date of deposit of December 3, 2009[1].

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

The holding of abandonment is hereby withdrawn and the application restored to pending status.

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] If this interpretation is incorrect, petitioner must notify the Office immediately.

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19 FEB 2009

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In re Application of :
CHENG *et al* :
U.S. Application No.: 12/090,005 :
PCT No.: PCT/US2006/041655 :
Int. Filing Date: 23 October 2006 : **DECISION**
Priority Date: 21 October 2005 :
Attorney's Docket No.: 030258-057422-US :
For: METHOD FOR THE DIAGNOSIS AND :
PROGNOSIS OF CANCER :

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

BACKGROUND

On 09 July 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

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

DISCUSSION

Applicants request to remove Ms. Virna Fatima Cortez-Retamozo as an inventor in the above-captioned application.

A review of the underlying international application PCT/US2006/041655 shows that applicants attempted to remove Ms. Cortez-Retamozo as an inventor on 21 February 2007. However, there is no record that the International Bureau authorized the change with a Notification of the Recording of a Change (Form PCT/IB/306).

Accordingly, Ms. Cortez-Retamozo is still recorded as an inventor in PCT/US2006/041655.

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

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Ms. Virna Fatima Cortez-Retamozo who requests to be removed as an inventor in the above-captioned application. The statement declares that the error "occurred without any deceptive intention on my part." The processing fee of $130.00 has been paid. Applicants also submitted the written consent of the assignee, The General Hospital Corporation. This document was signed by Ms. Kris Ann Betres, Licensing Manager who asserts that she has the authority to sign on behalf of the assignee. A review of the subject application shows that the assignment to The General Hospital Corporation has been recorded.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to remove Ms. Virna Fatima Cortez-Retamozo as a joint inventor in the above-captioned application is **GRANTED**.

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 October 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 October 2008.

This application is being forwarded to the United States Designated/Elected

Office for further processing in accordance with this decision.

James Thomson

James Thomson
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DEC 01 2008

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In re Application of	:	
SHOJI, HIROSHI	:	DECISION ON REQUEST TO
Application No. 12/090,022	:	PARTICIPATE IN PATENT
Filed: April 4, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. Q107229	:	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 22 and October 29, 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 Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FASTH LAW OFFICES (ROLF FASTH)
26 PINECREST PLAZA, SUITE 2
SOUTHERN PINES, NC 28387-4301

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Sudhir Chowhury	:	
Application No. 12/090,076	:	DECISION GRANTING PETITION
Filed: April 11, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 530.1204SN	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 19, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2856 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.*

- 5 APR 2010

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

In re Application of	:	
GALTZ, Gunter, et al.	:	
Application No.: 12/090,080	:	DECISION
PCT No.: PCT/DE2006/001808	:	
Int. Filing Date: 12 October 2006	:	ON PETITION UNDER
Priority Date: 12 October 2005	:	
Docket No.: 8953-91980	:	37 CFR 1.137(b)
For: FUEL VALVE FOR SUPPLYING AUXILIARY HEATING UNIT IN A MOTOR VEHICLE WITH FUEL	:	

This is a decision on applicants' Petition to Revive an Unintentionally Abandoned Under 37 C.F.R. §1.137(b), filed in the above-captioned application on 13 November 2009.

BACKGROUND

On 29 September 2009, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements, mailed 10 November 2008.

On 29 October 2009, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt.

On 13 November 2009, applicants filed a petition to revive the international application under 37 CFR 1.137(b), accompanied by a declaration of the inventors.

DISCUSSION

This application is abandoned. The Notification of Acceptance and filing receipt mailed on 29 October 2009 issued in error and are vacated.

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 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, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) have been satisfied. The required statement has been made. The petition fee has been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (2) has not been satisfied. The required reply is a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The declaration includes one page each of pages 1-3, but two pages 4, each listing the same inventors, but separately executed. While it is acceptable for inventors to execute separate copies of the oath or declaration, each copy must comply with 37 CFR 1.497(a)-(b) and the entire copy of the declaration *as executed* by the inventor must be returned to the Office. It is not acceptable to take pages from separately executed copies of the declaration and piece them together to create a single composite declaration. [Emphasis added] MPEP 605.04(a).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 29 October 2009, are **VACATED**.

The application remains **ABANDONED**.

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

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

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MAY 04 2010

OFFICE OF PETITIONS

In re Application of :
Boermann, et al. :
Application No. 12/090,114 : ON PETITION
Filed: April 14, 2008 :
Attorney Docket No. 3437-9865US :

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 2010, to revive the above-identified application. The petition will be treated as a constructive petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The Office contended that the above-identified application became abandoned for failure to timely reply to the restriction requirement, mailed May 5, 2009, which set an extendable period for reply of one (1) month/ 30 days. Having received no extensions of time under 37 CFR 1.136(a) or reply, the Office considered the application abandoned on June 6, 2009.

A review of the written record indicates an irregularity in the mailing of the May 5, 2009 restriction requirement. In this regard, the Office received a proper Change of Correspondence Address on March 10, 2009. Unfortunately, the Office did not promptly enter the requested changes. This error resulted in the May 5, 2009 restriction requirement being transmitted to the previous correspondence address of record.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn. The $810.00 petition fee filed with the instant petition will be refunded to petitioners' deposit account.

As applicants have filed a response to the May 5, 2009 restriction requirement with the instant petition, it is unnecessary to re-mail the May 5, 2009 restriction requirement.

After the mailing of this decision, the application will be referred to the Technology Center A.U. 1647 for consideration of the amendment/election filed on February 8, 2010.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 JUN 2008

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

In re Application of:
SHARONI, Yoav, et al.
U.S. Application No.: 12/090,174
PCT No.: PCT/IL2006/001169
International Filing Date: 05 October 2006
Priority Date: 11 October 2005
Atty Docket No.: 1485189-12800
For: CAROTENOID OXIDATION PRODUCTS AS CHEMO-PREVENTIVE AND CHEMO-THERAPEUTIC AGENTS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 14 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/IL2006/001169 became abandoned with respect to the U.S. at midnight on 11 February 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival includes the authorization to charge Deposit Account No. 50-1814 the required small entity petition fee of $770. In addition, the petition is accompanied by the "required reply" in the form of a Transmittal Letter (Form PTO-1390) requesting entry into the U.S. national stage for PCT/IL2006/001169 which includes the authorization to charge Deposit Account 50-1814 for required fees (including the small entity basic national fee). Finally, the present petition includes a statement that "the entire delay in filing this application from the due date (April 11, 2008) up to the filing of a grantable petition for revival 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 oath or declaration in compliance with 37 CFR 1.497 or the surcharge for filing the oath or declaration later than thirty months after the priority date.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2008

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

In Re Application of	:	
DZIUBINSKI	:	
Application No.: 12/090,183	:	DECISION
PCT No.: PCT/PL06/00068	:	
Int. Filing Date: 16 October 2006	:	
Priority Date: 14 October 2005	:	
Attorney Docket No.: 092848-0110	:	
For: METHOD, DEVICE AND SYSTEM FOR LEAD-LIMITED ELECTROCARDIOGRAPHY (ECG) SIGNAL ANALYSIS	:	

This decision is in response to applicant's petition filed on 13 August 2008 requesting to convert the above-captioned application to a U.S. application pursuant to 35 U.S.C. 111(a). This is treated as a petition under 37 CFR 1.182. The $400 petition fee has been paid.

Applicant claims that the above-captioned application was mistakenly filed under 35 U.S.C. 371 and requests to convert to a U.S. application under 35 U.S.C. 111(a) pursuant to section 1002.02(p)[1] of the MPEP. A review of the above-captioned application file verifies that it was properly filed and processed by the USPTO under 35 U.S.C. 371.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of

[1] MPEP section 1002.02(p) Petitions and Matters Decided by the PCT Legal Administrator.

(5) Petitions under 37 CFR 1.182 to convert a national application which was filed under 35 U.S.C. 371 to an application filed under 35 U.S.C. 111(a) or to convert a national application which was filed under 35 U.S.C. 111(a) to an application filed under 35 U.S.C. 371.

course. The Office will **only** grant such petitions upon a showing by applicant of sufficient cause (*e.g.*, the loss of patent rights) where **no** other remedy is available.

In the present petition, applicants have not made a showing that any loss of patent rights would occur if the above-captioned application remains a filing under 35 U.S.C. 371. Accordingly, the petition is **DISMISSED** for lack of showing of sufficient cause.

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.

This application is being forwarded to United States Designated/Elected Office for further processing under 35 U.S.C. 371.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3286

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FOLEY AND LARDNER LLP
111 Huntington Avenue
26th Floor
Boston, MA 02199

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JUN 03 2010

OFFICE OF PETITIONS

In re Application of
Marek Dziubinski, et al.
Application No. 12/090,183
Filed: February 3, 2009
Attorney Docket No. 092848-0110

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on May 18, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PIERCE ATWOOD LLP**
160 Federal Street, 10th Floor
Boston, MA 02110

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CST

January 5, 2009

In re application of	:	DECISION ON REQUEST TO
Shogo Okita et al	:	PARTICIPATE IN PATENT
Serial No. 12/090,214	:	PROSECUTION HIGHWAY
Filed: July 29, 2008	:	PROGRAM AND
For: PLASMA PROCESSING APPARATUS AND PLASMA PROCESSING METHOD	:	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 4, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

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APR 19 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
YAMASHITA, HARUO, et al.
Application No. 12/090,222
Filed: April 14, 2008
Attorney Docket No. **2008_0639A**

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 February 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

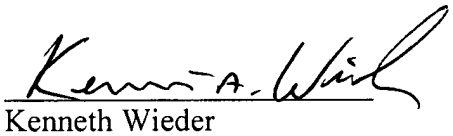
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

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

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

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



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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0 8 DEC 2008

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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of
Rinke et al.
Application No. 12/090,226
PCT No.: PCT/EP2006/009000
Int. Filing Date: 15 September 2006
Priority Date: 12 October 2005
Atty. Docket No.: 21049/0208071-US0
For: Method For The Solution Crystallization Of Mixtures Of Substances

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 13 November 2008.

BACKGROUND

This international application was filed on 15 September 2006, claimed an earlier priority date of 12 October 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 April 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 14 April 2008 (since 12 April 2008 was a Saturday). Applicants filed, *inter alia*, the basic national fee on 14 April 2008.

On 05 August 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "04/14/2008."

DISCUSSION

Petitioner states in part that

> The declaration for this application inadvertently listed Mr. Holpe, Ms. Kerschbaum, Mr. Schubert and Mr. Rinke as the first, second, third and fourth named inventors, respectively. It was intended to identify Mr. Rinke as the first named inventor of the declaration as Mr. Rinke was the lead inventor on the project in which the present invention was made. While the sequence of inventor name listing is understood to be of no legal consequence, for reasons of professional recognition it is important that Mr. Rinke and Mr. Schubert be listed as the first and second named inventors respectively in this patent application.

Petitioner's attention is drawn to MPEP 605.04(f), which explains that

> *The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous*

records in the Office. Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under (a)37 CFR 1.182 is granted. The petition should be directed to the attention of the Office of Petitions. The petition to change the order of names must be signed by either the attorney or agent of record or all the applicants. Applicants are strongly encouraged to submit an application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue. It is suggested that all typewritten and signed names appearing in the application papers should be in the same order as the typewritten names in the oath or declaration. When the Office of Petitions grants a petition to change the order of the names of the inventors, the Office of Petitions will change the order of the names in the Office computer records and print a new bib-data sheet, unless the application is an 08/ or earlier series application, in which case, the application should be sent to the Office of Initial Patent Examination (OIPE) for correction on the file wrapper label and the PALM database. >Since a change to the order of the inventor's names is an amendment to the application and amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the order of the inventor's name cannot be granted if filed after the payment of the issue fee.<

In those instances where the joint applicants file separate oaths or declarations, the order of names is taken from the order in which the several oaths or declarations appear in the application papers unless a different order is requested at the time of filing.

The petition is accompanied by an Application Data Sheet (ADS) listing the inventors in the order desired by petitioner. Based on the totality of the facts currently of record, it would be appropriate to grant petitioner's request.

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 consistent with this decision, including the correction of the electronic records of the USPTO to show the order of the inventors' names to be that shown in the ADS filed on 13 November 2008. The application will then be returned to Technology Center 1797.

/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

30 SEP 2008

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Nataliya Dvorson
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of	:	
Rurin	:	
Serial No.: 12/090,254	:	DECISION ON
PCT No.: PCT/RU2005/000465	:	PETITION
Int. Filing Date: 15 September 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: None	:	
Attorney's Docket No.: Q107794	:	
For: METHOD AND SYSTEM FOR VISUALISING VIRTUAL THREE DIMENSIONAL OBJECTS	:	

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b), filed 14 April 2008.

BACKGROUND

On 15 September 2005, applicants filed international application PCT/RUS2005/000465. Accordingly, the thirty-month period for filing a continuation application in the United States expired at midnight on 15 March 2008.

International application PCT/RU2005/000465 became abandoned as to the United States for failure to timely submit the requisite basic national fee.

On 14 April 2008, applicants filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by 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," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

The instant petition is not accompanied by a proper reply.

MPEP 1893.03 states, in part:

> "In accordance with the notice at 1077 O.G. 13 (14 April 1987), if the applicant files a U.S. national application and clearly identifies in the accompanying oath or declaration the specification to which it is directed by referring to a particular international application by PCT Application Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application, then the application will be accepted as submitted under 35 U.S.C. 371. Merely claiming priority of an international (PCT) application in an oath or declaration will not serve to indicate a submission under 35 U.S.C. 371. Also, 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). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application."

Accordingly, the instant application has been accepted under 35 U.S.C. 111(a). As such, applicant has not included a proper domestic priority claim. Applicant may either file an ADS that properly indicates the priority to the international application, or may amend the first line of the specification to indicate that this application is "a continuation of PCT/RU2005/000465."

CONCLUSION

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

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.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2009

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

Nataliya Dvorson
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of	:	
Rurin	:	
Serial No.: 12/090,254	:	DECISION ON
Filing Date: 14 April 2008	:	RENEWED PETITION
Priority Date: None	:	UNDER 37 CFR 1.137(b)
Attorney's Docket No.: Q107794	:	
For: METHOD AND SYSTEM FOR VISUALISING VIRTUAL THREE DIMENSIONAL OBJECTS	:	

This decision is responsive to the "RENEWED PETITION FOR REVIVAL UNDER 37 C.F.R. § 1.137(b), filed 24 November 2008.

BACKGROUND

On 15 September 2005, applicants filed international application PCT/RUS2005/000465. Accordingly, the thirty-month period for filing a continuation application in the United States expired at midnight on 15 March 2008.

International application PCT/RU2005/000465 became abandoned as to the United States for failure to timely submit the requisite basic national fee.

On 14 April 2008, applicants filed an application under 35 U.S.C. 111(a), and a petition to revive under 37 CFR 1.137(b).

On 30 September 2008, a decision was mailed dismissing that the petition because it was not accompanied by a proper reply in that applicant failed to include a proper domestic priority claim.

On 24 November 2008, applicant filed the current petition, including a preliminary amendment to the specification in order to include the priority claim.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the

abandonment and such petition must be accompanied (1) by 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," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

The instant application was accepted under 35 U.S.C. 111(a) on filing of the earlier petition. Further, the earlier filed petition also included the required statement and the proper petition fee. The instant petition contains a proper reply in that applicant has amended the specification to include a proper domestic priority claim. Therefore, the petition to revive is granted.

CONCLUSION

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

The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c), pages 700-187 to 700-193). International application PCT/RU2005/000465 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 12/090,254.

This application is being forwarded to the Office of Initial Patent Review for treatment as a filing under 35 U.S.C. 111(a) with a filing date of **14 April 2008**.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA, PA 19103

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Rolf Pfeifer	:	DECISION ON PETITION
Application No. 12/090,271	:	TO WITHDRAW
Filed: October 29, 2008	:	FROM RECORD
Attorney Docket: 1206-009 101	:	

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 15, 2010.

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

A review of the file record indicates that Schnader Harrison Segal & Lewis, LLP was revoked as power of attorney by the assignee of the patent application on May 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: KLEIN, O"NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE, CA 92612

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

COPY MAILED

DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Jochen Bossuyt et al. :
Application No. 12/090,311 : DECISION ON PETITION
Filed: September 26, 2008 : TO WITHDRAW
Attorney Docket No. 016915-0318 : 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 3, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because no forwarding address has been provided. The request to change the correspondence address should include a proper power of attorney or the address of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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JAN 19 2010

In re Application of	:	
Jochen Bossuyt et al.	:	
Application No. 12/090,311	:	DECISION ON PETITION
Filed: September 26, 2008	:	TO WITHDRAW
Attorney Docket No. 016915-0318	:	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 January 4, 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 Rouget F. Henschel on behalf of all attorneys/agents associated with customer number 22428. All attorneys/agents associated with customer number 22428 have been withdrawn.

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

All future correspondence will be directed to inventor/assignee. 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: Jochen Bossuyt
Maelstene 10 B-8584
Kerkhove, Belgium

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
12/090,311	09/26/2008	Jochen Bossuyt	016915-0318

CONFIRMATION NO. 1801

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 01/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/04/2010.

- 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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of
ANBO, MASAKADO
Application No. 12/090,328
Filed: April 15, 2008
Attorney Docket No. 2008-0515A

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 16, 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:

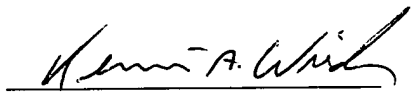
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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

05 AUG 2008

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Alexandria, VA 22313-1450
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MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE CA 95110

In re Application of HIGGINS et al.
Application No.: 12/090,353
PCT No.: PCT/US06/40272
Int. Filing: 13 October 2006
Priority Date: 14 October 2005
Attorney Docket No.: AB-2985 US
For: IMPROVED GAMUT MAPPING AND SUBPIXEL RENDERING SYSTEMS AND METHODS

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 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 this 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 $310 has now 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.

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.

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

12 AUG 2008

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MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE, SUITE 400
SAN JOSE CA 95110

In re Application of: HAN, Seok, Jin, et al.
U.S. Application No.: 12/090,354
PCT No.: PCT/US2006/040269
International Filing Date: 13 October 2006
Priority Date: 14 October 2005
Atty Docket No.: AB-2986 US
For: IMPROVED MEMORY STRUCTURES FOR IMAGE PROCESSING

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 15 April 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 14 April 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," as well as a summary of facts regarding the delay, satisfying the requirement of 37 CFR 1.137(b)(3).

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

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

- 3 DEC 2009

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Connolly Bove Lodge & Hutz, LLP
1875 Eye Street, N.W.
Suite 1100
Washington, DC 20006

In re Application of :
HOFFER, et al. :
Application No.: 12/090,377 :
PCT No.: PCT/EP2006/067470 : DECISION ON PETITION
Int. Filing Date: 16 October 2006 :
Priority Date: 17 October 2005 : UNDER 37 CFR 1.497(d)
Attorney Docket No.: 13111-00082-US :
For: PROCESS FOR CONTINUOUS HYDRO- :
GENATION OR HYDROGENATING :
AMINATION :

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 30 September 2009 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.497(d) to add Michael Karcher as an inventor in the application. As authorized payment of the $130.00 petition fee will be charged to deposit account 22-0185.

BACKGROUND

On 16 October 2006, applicant filed international application PCT/EP2006/067470, which claimed a priority date of 17 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 in the United States was to expire 30 months from the priority date, 17 April 2008.

On 16 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; an English translation of the international application; an Application Data Sheet; a preliminary amendment and an Information Disclosure Statement.

On 23 June 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an 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 29 July 2008, applicant responded with an executed declaration.

On 31 August 2009, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the filed declaration did not comply with 37 CFR 1.497(a)-(b) as it listed and had been signed by an individual (Michael Karcher) who did not appear on the published international application. Applicant was afforded one month from the mail date of the notice to respond.

On 30 September 2009, applicant filed the present petition to add Michael Karcher as an inventor to the present application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "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....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all four items listed above and it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 16 October 2006 and will be given a date of **29 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 processing in accordance with this decision.

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

0 2 SEP 2008

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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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Benoit Castel
209 Madison Street
Alexandria, VA 22314

In re Application of	:	DECISION ON
Henrik JACOBSSON	:	
Application No.: 12/090,381	:	
PCT No.: PCT/SE2005/001549	:	
Int. Filing Date: 18 October 2005	:	PETITION UNDER
Priority Date: 27 October 2004	:	
Attorney's Docket No.: 1509-1048-2	:	
For: A DRILL RIG AND METHOD FOR	:	
CONTROLLING A FAN THEREIN	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed on 16 April 2006. The petition fee under 37 CFR 1.17(m) has been paid by check.

BACKGROUND

On 18 October 2005, this international application was filed claiming an earliest priority date of 27 October 2004.

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 2007. This international application became abandoned with respect to the United States at midnight on 27 April 2007 for failure to pay the required basic national fee.

On 16 April 2008, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, the instant petition under 37 CFR 1.137(b), and the petition fee.

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; (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 having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/090,409		Seiji UMEMOTO	072553	2859

38834 7590 05/02/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
05/02/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Westerman, Hattori, Daniels & Adrian, LLP

In re Application of
Seiji UMEMOTO, ET AL.
Application No.: 12/090,409
Filed: April 16, 2008
Attorney Docket No.: 072553

For: OPTICAL COMPENSATION PLATE, LIQUID CRYSTAL CELL, AND LIQUID CRYSTAL DISPLAY DEVICE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 16, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition fails to include:

CONCLUSION

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

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

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

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

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

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

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

WESTERMAN, HATTORI, DANIELS &
ADRIAN, LLP
1250 Connecticut Ave, NW
Suite 700
Washington, DC 20036

APR 2 4 2008

In re Application of	:	DECISION ON REQUEST TO
Takahisa KONISHI et al.	:	PARTICIPATE IN PATENT
Application No. 12/090412	:	PROSECUTION HIGHWAY
Filed: April 16, 2008	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 072618	:	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) and the preliminary amendment, filed April 16, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

SUGHRUE MION, PLLC
2100 Pennsylvania Ave, NW
Washington, DC 20037-3213

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04 FEB 2010

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HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON, PA 19034

In re Application of	:	
James J. Osborne	:	
Application No.: 12/090,421	:	
PCT No.: PCT/US2006/042519	:	
Int. Filing Date: 30 October 2006	:	REVOCATION
Priority Date: 31 October 2005	:	
Attorney Docket No.: NA	:	
For: SNAP-RING SYSTEM FOR CONNECTING SEPARATE COMPONENTS	:	

This decision is in response to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed on 05 November 2009 requesting that the current attorneys of record be revoked.

On 11 November 2009, applicant filed a "POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS," which appoints Howson & Howson LLP.

A proper revocation of Power of Attorney and appointment of new attorneys has been submitted under MPEP 402.07.

The revocation is **GRANTED** and is effective as of the mail date of this communication.

Accordingly, all future correspondence will be mailed to Howson & Howson. A copy this acceptance of the "Revocation and Power of Attorney" will be mailed Pepper Hamilton LLP.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 373-1810

CC: PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

13 AUG 2008

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STIENNON & STIENNON
612 W. MAIN ST., SUITE 201
P.O. BOX 1667
MADISON WI 53701-1667

In re Application of	:	
AULA, Jouko et al.	:	
Application No.: 12/090,430	:	DECISION ON
PCT No.: PCT/FI2006/050459	:	
Int. Filing Date: 25 October 2006	:	PETITION
Priority Date: 26 October 2005	:	
Attorney Docket No.: METSO-89	:	UNDER 37 CFR 1.42
For: WEB-FORMING SECTION AND METHOD FOR MANUFACTURING MULTI-LAYER WEB	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Pekka Moilanen is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 16 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 and a declaration of the inventors indicating that a joint inventor is deceased.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration is signed by a legal representative. The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the living inventors, and lists the legal representative's citizenship. However, the declaration does not list the legal representative's residence and postal address. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 and the surcharge for late filing of the search fee, examination fee or oath or declaration, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE

EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

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STIENNON & STIENNON
612 W. MAIN ST., SUITE 201
P.O. BOX 1667
MADISON WI 53701-1667

In re Application of	:	
AULA, Jouko et al.	:	
Application No.: 12/090,430	:	DECISION ON
PCT No.: PCT/FI2006/050459	:	
Int. Filing Date: 25 October 2006	:	REQUEST
Priority Date: 26 October 2005	:	
Attorney Docket No.: METSO-89	:	UNDER 37 CFR 1.42
For: WEB-FORMING SECTION AND METHOD FOR MANUFACTURING MULTI-LAYER WEB	:	

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 08 September 2008.

BACKGROUND

On 13 August 2008, the Office mailed Decision On Petition Under 37 CFR 1.42, stating that the declaration did not comply with 37 CFR 1.497(a)-(b) and 37 CFR 1.42 as it failed to state the residence and mailing address of the legal representative.

On 08 September 2008, applicant filed this renewed request.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 16 April 2008 declaration and the 08 September 2008 declaration, in combination, satisfy the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has a date of 08 September 2008 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division for continued processing.

/Erin P. Thomson/

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17 APR 2009

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

In re Application of ALLERUP et al.	:
Application No.: 12/090,593	: DECISION ON PETITION
PCT No.: PCT/IB05/53889	:
Int. Filing: 24 November 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 18 October 2005	:
Attorney Docket No.: P09494US00/MP	:
For: MULIT-COMPARTMENT PACKAGE	:

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 06 February 2009, to accept the application without the signature of joint inventor THOMAS THEJLADE. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 17 April 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 08 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 06 February 2009, applicant filed a petition along with a declaration, executed by the joint inventor 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 THOMAS THEJLADE, alleging that the inventor is unavailable.

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 authorization to charge applicant's deposit account the requisite $200 petition fee, satisfying Item (1). A statement of applicant's last known address was provided. Item (3) is satisfied. As for Item (4), a declaration executed by the joint inventor on his behalf and on behalf of the non-signing inventor was provided.

Unavailability of Inventor

With respect to Item (2), Petitioner employs the declaration of Lief Rorbol, who describes his attempts to reach Mr. THEJLADE. Mr. Rorbol indicates that on 30 November 2005, he sent correspondence to Mr. Thejlade about the PCT application (Exhibit 1). Mr. Rorbol attached a copy of this letter, however, the letter is not in the English language. All exhibits which are relied upon as proof of the non-signing inventor's refusal must be translated. Mr. Rorbol further relates that the joint inventor did indeed contact the non-signing inventor via email and Mr. Thejlade executed an assignment. No mention of the forwarding the application papers or the declaration via email is made. There is no first hand statement of the joint inventor relating the details of his contact with Mr. Thejlade and whether Mr. Thejlade was provided a complete copy of the application papers including specification, claims and any drawings and a declaration directed to the referenced application and whether Mr. Thejlade refused to sign the declaration. It appears that no further *efforts were made to find or reach the nonsigning inventor* because none of these efforts are detailed in the declaration. Mr. Rorbol did not show what attempts he made to locate the nonsigning 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. Thejlade in Poland 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 inventor 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 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), (3) and (4). As set forth above, Petitioner has not satisfied Item (2). 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
Attorney Advisor
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Telephone: (571) 272-3286
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- 1 FEB 2010

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

In re Application of ALLERUP et al.	:
Application No.: 12/090,593	: DECISION ON PETITION
PCT No.: PCT/IB05/53889	:
Int. Filing: 24 November 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 18 October 2005	:
Attorney Docket No.: P09494US00/MP	:
For: MULIT-COMPARTMENT PACKAGE	:

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 17 June 2009. This is also responsive to applicant's request for a refund filed on 16 April and 09 September 2009.

The procedural history of this application was set forth in the decision mailed on 17 April 2009 and is incorporated herein by reference. Applicant filed a renewed petition along with a declaration, executed by the previously nonsigning inventor THOMAS THEJLADE. The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. A review of the declaration submitted reveals that it is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

For the reasons set forth above, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The declarations executed by the inventors and submitted on 02 February and 17 June 2009, are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

With respect to applicant's request for a refund, a review of the USPTO finance records indicates that the erroneously charged $130 petition fee was refunded and the $200 petition fee required under 37 CFR 1.17(g) was paid on 17 April 2009. The surcharge for filing the declaration after the thirty month period was corrected to $65. No further adjustments are required.

The application will be forwarded to the U.S. Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 17 June 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

19 JUN 2009

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The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of :
TANAKA et al. :
Application No.: 12/090,602 : DECISION
PCT No.: PCT/JP2006/320616 : REGARDING
Int. Filing Date: 17 October 2006 : SUBMISSION UNDER 37 CFR 1.42
Priority Date: 18 October 2005 :
Attorney Docket No.: 1217-081344 :
For: HARD COAT LAYER-FORMING :
COMPOSITION AND OPTICAL LENS

This decision is issued in response to the declaration filed 17 April 2008 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 17 October 2006, applicant filed international application PCT/JP2006/320616 which claimed a priority date of 18 October 2005. On 26 April 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 18 April 2008 (thirty months from the priority date).

On 17 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; a translation of the international application; a preliminary amendment; and a declaration executed by three joint-inventors and Eiko Tanaka, on behalf of deceased inventor, Hirokazu Tanaka.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

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

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 17 April 2008 was executed by Eiko Tanaka as "legal representative" to the deceased inventor, Hirokazu Tanaka. 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
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24 MAR 2009

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Jones Day
222 East 41st St.
New York, NY 10017

In re Application of	:	
PLATZGUMMER et al.	:	
Application No.: 12/090,632	:	
PCT No.: PCT/EP05/11593	:	
Int. Filing Date: 28 October 2005	:	DECISION ON PETITION
Priority Date: None	:	
Attorney Docket No.: 011816-0083-999	:	
For: CHARGED PARTICLE BEAM EXPOSURE SYSTEM	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 05 February 2009 to accept the application without the signature of joint-inventor, Elmar Platzgummer.

BACKGROUND

On 28 October 2005, applicants filed international application PCT/EP05/11593 which claimed no priority date. 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 April 2008.

On 17 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States for international application PCT/EP05/11593, which included, among other materials: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and a copy of the international application.

On 05 November 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. The notification set a two-month time limit in which to respond.

On 05 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, (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.

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 Elmar Platzgummer's refusal to execute the application papers is contained in the Statement of Klaus Gnatzig 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. 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), 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 (Elmar Platzgummer). This declaration is treated as having been executed by the available inventors on their 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 Elmar Platzgummer 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(a) 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
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P.O. Box 1450
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24 MAR 2009

Elmar Platzgummer
Wasagasse 31/1/09
Wein, Austria 1090

In re Application of
PLATZGUMMER et al.
Application No.: 12/090,632
PCT No.: PCT/EP05/11593
Int. Filing Date: 28 October 2005
Priority Date: None
Attorney Docket No.: 011816-0083-999
For: CHARGED PARTICLE BEAM EXPOSURE SYSTEM

Dear Elmar Platzgummer:

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
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Telephone: (571) 272-3298

Counsel of Record:
Jones Day
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New York, NY 10017

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23 JUN 2008

22852
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Washington, DC 20001-4413

In re Application of :
DOE *et al* :
U.S. Application No.: 12/090,645 :
PCT No.: PCT/GB2006/000684 :
Int. Filing Date: 27 February 2006 : **DECISION ON**
Priority Date: 28 February 2005 : **PETITION UNDER**
Attorney Docket No.: 10364-0002-00000 : **37 CFR 1.137(b)**
For: USE OF 2-(2-NITRO-4- :
TRIFLUOROMETHYLBENZOYL)-1-3- :
CYCLOHEXANEDIONE . . . :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 April 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

UNITED STATES PATENT and TRADEMARK OFFICE

22 SEP 2009

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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON
NAKASHIMA et al	:	
Application No.: 12/090,701	:	
PCT No.: PCT/JP2006/304357	:	
Int. Filing Date: 07 March 2006	:	PETITION UNDER
Priority Date: 20 October 2005	:	
Attorney's Docket No.: H&A-6346	:	
For: METHOD OF ANALYZING NUCLEIC	:	
ACID	:	37 CFR 1.181

This Decision is in response to applicant's "REQUEST FOR REFUND," filed on 13 July 2009, requesting a refund of a 3 month extension of time, which is being treated as a petition under 37 CFR 1.181 for not receiving the communication mailed on 1/28/09 from the USPTO .

BACKGROUND

On 18 April 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America.

On 28 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES," which applicant was given two months from the Notice to reply, and that failure to comply would result in abandonment.

On 22 June 2009, applicants filed a Request for New Notice to Comply and Reset of the Statutory time period to Respond.

On 29 June 2009, applicants filed a petition for three-month extension of time with the response to the Notice.

On 13 July 2009, applicants filed the instant petition requesting the refund of the three-month extension of time because the Notice mailed on 28 January 2009 by the USPTO was not received by applicants.

DISCUSSION

MPEP section 711.03(c) establishes the requirement to show nonreceipt of an Office action. It states that:

> "The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the 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. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

A review of the petition reveals that applicants have not complied with the requirements set forth in section 711.03(c), which requires a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed and a tickler sheet for March 28, 2009. Shrinath Malur's statement, a copy of the docket record for this application and the copy of the global docket record for March 28, 2009 by themselves are insufficient to establish failure to receive the Office communication without any further corroborating evidence, e.g., a log showing the mail received during the time period the office communication would have been received from the mail date of 01/28/2009. In other words, to establish a showing nonreceipt of the Notice would require, at a minimum, a copy of docket showing the entries of all incoming USPTO correspondence received within the time period that the Office action would have been received at the law firm and a copy of the docket report showing all replies docketed for a date of two months from the mail date of the nonreceived Notice (applicants have complied with this part). Petitioner has not provided a copy of docket showing the entries of all incoming USPTO correspondence received within the time period that the Office action would have been received January 28, 2009. Accordingly, petitioner has not met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action, and the refund requested can not be acted on at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.181 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 1.181." A proper response would be complying with the requirement for withdrawal of Notice of Abandonment and a proper executed declaration or oath. Extensions of time are available 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.

Rafael Bacares
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PCT Legal Office
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15 JAN 2010

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ALEXANDRIA VA 22314

In re Application of	:	DECISION ON
NAKASHIMA et al	:	
Application No.: 12/090,701	:	
PCT No.: PCT/JP2006/304357	:	
Int. Filing Date: 07 March 2006	:	PETITION UNDER
Priority Date: 20 October 2005	:	
Attorney's Docket No.: H&A-6346	:	
For: METHOD OF ANALYZING NUCLEIC	:	
ACID	:	37 CFR 1.181

This decision is responsive to applicant's "RENEWED PETITION FOR REQUEST FOR REFUND" filed 11 November 2009.

BACKGROUND

In a decision from this Office on 22 September 2009, the petition filed on 13 July 2009 was dismissed. The decision stated that applicant had not met the requirements under MPEP section 711.03(c) to establish non-receipt of an Office action.

On 11 November 2009, applicants filed a renewed petition, stating that the law firm does not keep a separate log of mail from the Patent Office, but instead relies on its electronic docketing procedures to ensure that all mail is properly entered so that the due date for a response is automatically generated. As a result, the file jacket is that only place where receipt of the communication would have been noted and a copy of the file jacket has been included.

DISCUSSION

A review of petition reveals that applicants have complied with the requirements set forth in section 711.03(c), which requires a copy where the non-received Office communication would have been entered had it been received (the file-jacket) and docketed for a reply date of two(2) months from the date of mailing of the Notice from the USPTO.

Petitioner had submitted copies of their docketing system showing all replies docketed for a date of two (2) months from the January 28, 2009 mail date of the decision, and now filed a copy of the file jacket for the above application. Accordingly, this showing overcomes the presumption that applicants did receive the Notice mailed on 28 January 2009, and the request for a refund for the three-month extension of time of the above application is appropriate.

Accordingly, petitioner has now met the requirements under MPEP section 711.03(c) to establish nonreceipt of a USPTO notice.

Petitioner is entitled to a refund for the three extension of time and the $1,110.00 will be refunded to applicants' Deposit Account No.: 50-1417.

DECISION

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

Rafael Bacares
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UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2008

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of: CHAN, Hak-Man
U.S. Application No.: 12/090,714
PCT No.: PCT/CN2006/002134
International Filing Date: 22 August 2006
Priority Date: 22 August 2005
Atty Docket No.: 1075-26 PCT/US
For: A COMBINED LABYRINTHINE FLUID STERILIZING APPARATUS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 18 April 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 22 February 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the small entity petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). 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 18 April 2008 submission included an executed declaration, an English translation of the international application, and the surcharge and processing fee required for filing these materials 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 18 April 2008.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

28 APR 2009

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K&L Gates LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of
HUBER et al.
Application No.: 12/090/783
PCT No.: PCT/EP06/067530
Int. Filing Date: 18 October 2006
Priority Date: 18 October 2005
Attorney's Docket No.: 119065-753
For: MULTIPLE RESONANT ANTENNA UNIT, ASSOCIATED PRINTED CIRCUIT BOARD AND RADIO COMMUNICATION DEVICE

DECISION ON

PETITION

UNDER 37 CFR 1.47(b)

This is a decision on Applicant's "Petition under 37 CFR 1.47(b)", filed 02 February 2009 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing joint inventors STEFAN HUBER and MICHAEL SCHREIBER. Applicant requests a five month extension of time, which is granted.

BACKGROUND

On 18 October 2006, applicant filed international application No. PCT/EP06/67530 which claimed a priority date of 18 October 2005, and which designated the United States.

On 18 April 2008, prior to the expiration of the 30 month period from the priority date, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: basic national filing fee.

On 02 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating that the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 02 February 2009, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b).

DISCUSSION

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

Petitioner has satisfied Item (1) with payment of the petition fee of $200 charged to his deposit account per his authorization. The statement of the last known address of the nonsigning inventors was submitted, satisfying Item (3). Petitioner satisfied Item (6) above with the statement showing such action is necessary to preserve the rights of the parties and to prevent irreparable damage.

Refusal to Sign

With respect to Item (2), Petitioner provides the statement of Dr. Cletus Von Pichler, German and European patent attorney, for the 37 CFR 1.47(b) petitioner. Dr. Von Pichler indicates that he sent a copy of the declaration and assignment to the nonsigning inventors at their last known address. He explicitly states he did not send a copy of the international application to either Mr. Huber or Mr. Schreiber as the PCT application "were already published and publicly available for everyone". Dr. Von Pichler only sent a copy of the declaration and assignment to each inventor at their respective last known address. This is evident from the content of the letter itself and from Dr. Von Pichler's statement that a complete copy of the application (specification, claims and any drawings) was not sent to the inventor.

As set forth in MPEP 409.03(c)II:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

(Emphasis added.)

Item (2) is not yet satisfied as Petitioner did not provide a complete copy of the application papers to the nonsigning inventor for his signature. No further details or evidence were presented to conclude that nonsigning inventors Huber and Schreiber refuse to sign the application. Petitioner is advised to consult the Manuel of Patent Examining Procedure (MPEP) Section 409.03 for further details.

Declaration

To satisfy Item (4) Petitioner submitted a declaration executed by Patricia Kane Schmidt, attorney for PALM, Inc. as the 37 CFR 1.47(b) petitioner on behalf of the nonsigning inventors. However, Ms. Schmidt is not an officer of the corporation nor did she provide proof of her authority to sign on behalf of PALM, Inc. As stated in the MPEP §409.03(b), the 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is

the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP 324. Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. The declaration submitted is not executed by an officer of the corporation and thus, Item (4) is not yet satisfied. Proof of the attorney's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney may simply state that she is authorized to sign on behalf of the corporation.

Proprietary Interest in the subject matter

Petitioner has not satisfied Item (5) above. Petitioner submitted a copy of the agreement between Siemens and Mr. Huber and Mr. Schreiber respectively, executed on 28 June 2005. However, the present invention is not identified in the agreement. The agreement identifies the invention disclosure "Double-resonant antenna structure". It is unclear that the invention identified in the agreement is the same invention at issue. Further explanation is required.

Petitioner provided the assignment between the insolvency administrator of BenQ Mobile GmbH and Palm, Inc., which did identify PCT/EP06/67530. However, the assignment of the above identified invention from Siemens to BenQ Corporation is unclear. Petitioner has not explicitly pointed out where in the multi-page documents provided, some of which were redacted, PCT/EP06/067530 was assigned to BenQ Corporation and to BenQ Mobile. This is insufficient evidence to prove that the 37 CFR 1.47(b) applicant has sufficient proprietary interest. Petitioner must prove that the 37 CFR 1.47(b) applicant (Palm, Inc.) has sufficient proprietary interest in the subject matter to justify filing the application. See MPEP §409.03(f)[1] for full explanation of the

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[1] When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that

(A)the invention has been assigned to the applicant, or

(B)the inventor has agreed in writing to assign the invention to the applicant, or

(C)the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324). An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956). An assignment to a 37 CFR 1.47(b) applicant for the sole purpose of obtaining a filing date for a 37 CFR 1.47(b) application is not considered an assignment within the meaning of 35 U.S.C. 118 and 37 CFR 1.47(b).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by

requirements. Item (5) is not satisfied.

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

CONCLUSION

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

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

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, 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 PCT Legal Office.

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

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

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

07 OCT 2008

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04372
ARENT FOX LLP
1050 Connecticut Ave., N.W.
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Washington, DC 200365

In re Application of :
ASHOURIAN *et al* :
U.S. Application No.: 12/090,845 :
PCT No.: PCT/US2006/038963 :
Int. Filing Date: 04 October 2006 :
Priority Date: 04 October 2005 :
Docket No.: 028670-00050 :
For: METHODS OF MAKING SNACK FOOD PRODUCTS AND PRODUCTS MADE THEREBY :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 18 April 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.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
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Office of PCT Legal Administration

Tel.: (571) 272-3302

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OFFICE OF PETITIONS

LATIMER & MAYBERRY IP LAW, LLP
13873 PARK CENTER ROAD
SUITE 106
HERNDON VA 20171

In re Application of	:	
Christopher Louis HARMS	:	
Application No. 12/090,882	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO WITHDRAW
Attorney Docket No. SBG-105-US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 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 Matthew T. Latimer on behalf of the attorneys of record associated with Customer No. 59241.

The attorneys of record associated with Customer No. 59241 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 inventor at the address indicated below until otherwise properly notified by the applicant.

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

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

cc: CHRISTOPHER L. HARMS
50/101 COLLINS STREET
MELBOURNE VIC 3000
AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/090,882	05/19/2008	Christopher Louis HARMS	SBG-105-US

CONFIRMATION NO. 7648

POWER OF ATTORNEY NOTICE

59241
LATIMER & MAYBERRY IP LAW, LLP
13873 PARK CENTER ROAD
SUITE 106
HERNDON, VA 20171

Date Mailed: 12/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/29/2009.

- 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.

/dcgoodwyn/

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

12 SEP 2008

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

In re Application of	:	
HAMMOND, Dennis L., et al.	:	
Application No.: 12/090,900	:	DECISION
PCT No.: PCT/US2006/038253	:	
Int. Filing Date: 02 October 2006	:	ON PETITION UNDER
Priority Date: 03 October 2005	:	
Docket No.: APX-15932.001.002	:	37 CFR 1.137(b)
For: POWDER METALLURGY METHODS AND COMPOSITIONS	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 21 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 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 01 May 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

3 0 MAR 2009

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30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of :
Katayama et al. :
Application No. 12/090,906 :
PCT No.: PCT/JP2006/321730 :
Int. Filing Date: 31 October 2006 : DECISION
Priority Date: 31 October 2005 :
Atty. Docket No.: 02603.000300 :
For: Method For Measuring Triglyceride In :
Low-Density Lipoprotein And Kit For... :

This is in response to the submission filed on 22 May 2008 (and the declaration filed on 22 July 2008), which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

This international application was filed on 31 October 2006, claimed an earliest priority date of 31 October 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 30 April 2008. Applicants filed, *inter alia*, the basic national fee on 21 April 2008.

DISCUSSION

Inspection of the declaration filed on 22 July 2008 reveals that it nominates "Tomomi Murakami" in place of "UCHIDA, Tomomi" who was named in the published international application. MPEP 605.04(b) states in part that

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

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. The instant "Submission of Declaration" is being regarded as such a petition.

The petition is accompanied by a "Declaration Regarding Name Change" signed by Tomomi Murakami, who states that

> I confirm that the name Tomomi Uchida listed in PCT/JP2006/321730 as an applicant is the same person as Tomomi Murakami listed as an applicant in the National Phase application being filed herewith in the United States Patent

Office; with Tomomi Uchida being my married name and Tomomi Murakami being my maiden name.

Ms. Murakami attributes the name change to a divorce. In view of the totality of the evidence currently of record, it would be appropriate to accept her name as it appears on the declaration filed on 22 July 2008.

The $130.00 surcharge under 37 CFR 1.492(h)(fee code 1617) and the $400.00 petition fee (code 1462) are being charged to counsel's Deposit Account no. 06-1205, as authorized in the "Submission of Declaration" filed on 22 May 2008.

DECISION

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

The declaration filed on 22 July 2008 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

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

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

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DEC 29 2009

OFFICE OF PETITIONS

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

In re Application of :
Dominik Feuerbach, et al. :
Application No. 12/090,931 : DECISION ON PETITION
Filed: April 21, 2008 : TO WITHDRAW
Attorney Docket No. 093286-0150 : FROM RECORD
:

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

The request is **DISMISSED** as moot.

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

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

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

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

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

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09 JUL 2008

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:	
BORRETT	:	
Application No.: 12/090,942	:	
PCT No.: PCT/NZ06/00248	:	DECISION ON PETITION
Int. Filing Date: 22 September 2006	:	
Priority Date: 22 September 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 0074-578505	:	
For: STEERING SYSTEM FOR A MARINE VESSEL	:	

The petition to revive under 37 CFR 1.137(b) filed 21 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 22 September 2006 under 35 U.S.C. 363 and will be given a date of **21 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
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24 JUL 2009

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23909
COLGATE-PALMOLIVE COMPANY
909 River Road
Piscataway, NJ 08855

In re Application of :
KHOO *et al* :
U.S. Application No.: 12/090,945 :
PCT No.: PCT/US2006/060064 :
Int. Filing Date: 19 October 2006 :
Priority Date: 19 October 2005 : **DECISION**
Docket No.: 7380-00-HL :
For: METHODS AND COMPOSITIONS FOR IMPROVING GASTROINTESTINAL HEALTH :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 19 December 2008.

BACKGROUND

On 24 July 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 in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 19 December 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by one of the two named inventors on behalf of the nonsigning inventor; a one-month extension fee; a $130.00 surcharge fee; and documentary evidence in support of the petition (exhibits A - J).

DISCUSSION

Applicants claim that co-inventor Fernando Qvyjt refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

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

The $200.00 petition fee has been charged to Deposit Account No. 50-2957 as

authorized. The last known address of the nonsigning inventor was provided. An executed declaration meeting the requirements of section 409.03(a) of the MPEP and 37 CFR 1.497(a) and (b) was provided. Items (1), (3) and (4) of 37 CFR 1.47(a) are complete.

Regarding item (2) of 37 CFR 1.47(a), applicants state that the conduct of Mr. Fernando Qvyjt constitutes a refusal to join the subject application. Petitioners included documentary evidence showing that a copy of the subject application was sent by email to the nonsigning inventor along with a declaration and request for signature on 05 May 2008. The evidence shows that the nonsigning inventor received these documents. Petitioners sent reminders to Mr. Qvyjt to cooperate in the subject application on 27 May 2008 and 10 June 2008 and provided documentary evidence of such efforts. The nonsigning inventor responded with hostile emails dated 12 June 2008 and 22 June 2008. Moreover, petitioners received an email from Jim Kernell of Kernell, Derusseau & Kleypas, LLC indicating that he was no longer the attorney for the nonsigning inventor. Petitioners attest that Mr. Qvyjt has not provided any information on his new attorney and no new attorney information could be found.

The actions of Mr. Qvyjt constitute a refusal to join as contemplated by section 409.03(d)(II) of the MPEP. Item (2) of 37 CFR 1.47(a) is also satisfied.

CONCLUSION

Applicants' 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 19 October 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 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

24 JUL 2009

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P.O. Box 1450
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Fernando Qvyjt
1950 Ridgeway Road
Memphis, TN 38119

In re Application of
KHOO *et al*
U.S. Application No.: 12/090,945
PCT No.: PCT/US2006/060064
Int. Filing Date: 19 October 2006
Priority Date: 19 October 2005
Docket No.: 7380-00-HL
For: METHODS AND COMPOSITIONS FOR IMPROVING GASTROINTESTINAL HEALTH

Mr. Qvyjt:

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

COLGATE-PALMOLIVE COMPANY
909 River Road
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/090,957	08/11/2008	Sharla K. Sutherland	3469-207	8215

6449 7590 08/13/2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
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WASHINGTON, DC 20005

EXAMINER	
MELLER, MICHAEL V	

ART UNIT	PAPER NUMBER
1655	

NOTIFICATION DATE	DELIVERY MODE
08/13/2009	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):

PTO-PAT-Email@rfem.com

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AUG 1 3 2009

Robert M. Murray
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of	:
Sutherland et al.	:
Serial No.: 12/090,957	:DECISION ON PETITION
Filed: 11 August 2008	:
Attorney Docket No.: 3469-207	:

This letter is in response to the Petition filed under 37 C.F.R. 1.144 filed on 4 August 2009 requesting review and withdrawal of the restriction requirement mailed on 16 January, 2007.

BACKGROUND

This application was filed as a national stage application in compliance with 35 U.S.C. 371 and as such is subject to PCT Unity of Invention practice.

On 16 January 2009, the examiner divided claims 5-10 into three groups.

> Group I, claims 5, 6, drawn to a method for treating oxidative stress
> Group II, claims 7, 8, drawn to a method for treating iron overload.
> Group III, claims 9, 10, drawn to a method for promoting neurite outgrowth

The examiner also required applicants to elect a particular disease or condition. The examiner pointed to the Cheung reference as teaching regeneration of retinol ganglion cells (RGCs) by mixture of herbal extracts after optic nerve transaction, summarizing that the herbs can act as potential neuroprotective agent for RGCs.

On 13 March 2009, applicant elected the method of Group II. Applicant did not elect a single disease or condition.

On 13 May 2009, the examiner considered the election and traversal and made the restriction requirement FINAL. The examiner did not address applicant's failure to elect a particular disease or condition, nor did the examiner withdraw that portion of the restriction requirement.

The examiner then withdrew claims 5, 6, 9 and 10 as being drawn to the non-elected invention. Claims 7 and 8 were rejected under 35 USC 102(b) as being anticipated by Pang et al as evidenced by CiNii and Crossfit. Claims 7 and 8 were also rejected under 35 USC 103(a) as being unpatentable over Pang et al as evidenced by CiNii and Crossfit.

On 4 August 2009, applicants submitted the instant petition.

DISCUSSION

The petition and file history have been carefully considered. The petition argues that the restriction requirement between Groups I-III should be withdrawn.

The limitations of Claims 5-10, of Groups I-III, respectively, are compared in the chart below:

Claim 5	Claim 7	Claim 9
A method for treating oxidative stress comprising administering in an amount effect to treat oxidative stress,	A method for treating iron overload comprising administering in an amount effect to treat iron overload,	A method for promoting neural outgrowth comprising administering in an amount effect to promote neural outgrowth,
a pharmaceutical composition comprising HT10001, an American ginseng extract that has a total ginsenoside content which is about 25-50% by weight in combination with at least one agent selected from the group consisting of Ginkgo biloba, Saint John's Wort, ginkgolides, flavonoids, ginsenosides, hypericin and hyperforin, to a patient in need of such treatment.	a pharmaceutical composition comprising HT10001, an American ginseng extract that has a total ginsenoside content which is about 25-50% by weight in combination with at least one agent selected from the group consisting of Ginkgo biloba, Saint John's Wort, ginkgolides, flavonoids, ginsenosides, hypericin and hyperforin, to a patient in need of such treatment.	a pharmaceutical composition comprising HT10001, an American ginseng extract that has a total ginsenoside content which is about 25-50% by weight in combination with at least one agent selected from the group consisting of Ginkgo biloba, Saint John's Wort, ginkgolides, flavonoids, ginsenosides, hypericin and hyperforin, to a patient in need of such treatment.

Claims 6, 8 and 10 depend upon claims 5, 7 and 9, respectively and further limit the claims to the same set of diseases or conditions, as shown below:

6. (Currently Amended) The method according to claim 5, wherein said oxidative stress is due to cancer, Alzheimer's disease, tuberculosis, Parkinson's disease, sickle cell, Wilson, liver damage, beta-thalassemia, heart disease, multiple sclerosis, inflammatory bowel disease (Crohn's disease and ulcerative colitis), infection, neoplasia, cardiomyopathy, or arthropathy.

All of the claims 5-10 encompass the same embodiment, for example, the method of administering the composition to a patient with Parkinson's Disease. The only difference amongst the claims 5, 7 and 9 is in the preamble.

MPEP 2105 states in part:

> The claim preamble must be read in the context of the entire claim. The determination of whether preamble recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the [record] to gain an understanding of what the inventors actually invented and intended to encompass by the claim." Corning Glass Works, 868 F.2d at 1257, 9 USPQ2d at 1966. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999)....
>
> Compare Jansen v. Rexall Sundown, Inc., 342 F.3d 1329, 1333-34, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003) (In a claim directed to a method of treating or preventing pernicious anemia in humans by administering a certain vitamin preparation to "a human in need thereof," the court held that the preamble is not merely a statement of effect that may or may not be desired or appreciated, but rather is a statement of the intentional purpose for which the method must be performed. Thus the claim is properly interpreted to mean that the vitamin preparation must be administered to a human with a recognized need to treat or prevent pernicious anemia.)....
>
> During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim. See, e.g., In re Otto, 312 F.2d 937, 938, 136 USPQ458, 459 (CCPA 1963)

In this instance, the preambles of claims 5, 7 and 9 describe various aspects of pathology which can occur simultaneously with in one disease. For this reason, claim 5-10 are directed to a single general inventive concept.

The PCT International Search and Preliminary Examination Guidelines set forth following information concerning unity of invention.

> 10.01 An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

In this instance, the examiner appears to be relying upon one part of the invention (the preambles of claims 5, 7 or 9) without considering reach of the inventions taken as a whole. Moreover, the examiner has held that unity of lacking in view of prior art of Pang which teaches administration of the composition would read equally upon any of the claims 5, 7 or 9. ISPE Guidelines go on to state:

> 10.08 If, however, an independent claim does not avoid the prior art, then the question whether there is still an inventive link between all the claims dependent on that claim needs to be carefully considered....
>
> 10.04 Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor persisted in on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented, in relation to the state of the art as revealed by the international search or, in accordance with Article 33(6), by any additional document considered to be relevant....

Unity of Invention is a form of restriction requirement which has implications for downstream double patenting. MPEP 804.01 discusses the prohibition of Double Patenting Rejections under 35 U.S.C. 121:

> 35 U.S.C. 121 authorizes the Director to restrict the claims in a patent application to a single invention when independent and distinct inventions are presented for examination. The third sentence of 35 U.S.C. 121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent. The 35 U.S.C. 121 prohibition applies only where the Office has made a requirement for restriction. The prohibition does not apply where the divisional application was voluntarily filed by the applicant and not in response to an Office requirement for restriction. This apparent nullification of double patenting as a ground of rejection or invalidity in such cases

> imposes a heavy burden on the Office to guard against erroneous requirements for restrictions where the claims define essentially the same invention in different language and which, if acquiesced in, might result in the issuance of several patents for the same invention.

In view of the third sentence of 35 USC 121, this lack of unity determination would prevent the Office from making a non-statutory double patenting rejection should applicant file claims 5 and 6, for example in a divisional application. Followed to its logical outcome, maintaining this unity of invention requirement may result in potential issuance of two or three separate patents that encompass the same embodiment- a method of treating Parkinson's by administering the same composition. This would be incorrect under 35 USC 101, which states that applicants "may obtain a patent."

DECISION

The petition is **GRANTED** for the reasons set forth above.

The Office action mailed 13 May 2009 has been withdrawn as incomplete.

The application will be forwarded to the examiner for preparation of a supplemental Office action consistent with this decision which addresses the merits of Claims 5-10.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

2 1 SEP 2009

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LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re Application of	:	DECISION
PARK et al.	:	
Application No.: 12/090,969	:	
PCT No.: PCT/KR2006/004427	:	
Int. Filing Date: 27 October 2006	:	
Priority Date: 27 October 2005	:	
Attorney Docket No.: LPP20081358US	:	
For: BIOACTIVE SUBSTANCE-BLOOD PROTEIN CONJUGATE AND STABILIZATION OF A BIOACTIVE SUBSTANCE USING THE SAME	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 26 June 2009.

BACKGROUND

On 27 October 2006, applicant filed international application PCT/KR2006/004427, which designated the U.S. and claimed a priority date of 27 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 03 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 April 2008 (27 April 2008 being a Sunday).

On 21 April 2008, applicant 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 10 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATION CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Form PCT/DO/EO/922). The NOTIFICATION set a two-month extendable period for reply.

On 30 June 2008, applicants filed a response to the Form PCT/DO/EO/922.

On 14 January 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating, inter alia, that the response filed 30 June 2008 was not sufficient.

On 30 January 2009, applicants filed a response to the Form PCT/DO/EO/916.

On 20 May 2009, the 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 properly respond to the NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATION CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES within the time period set therein. (The response filed 30 January 2009 was also insufficient.)

On 26 June 2009, applicants filed the instant submission.

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), a proper response to the NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATION CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES was filed 26 June 2009.

As to item (2), applicant submitted the petition fee on 26 June 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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/090,987	04/21/2008	Junya Kasugai	Q107836	8372

23373 7590 05/28/2010

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

EXAMINER	
AHMED, SAMIR ANWAR	
ART UNIT	**PAPER NUMBER**
2624	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

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

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

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

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

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SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON DC 20037

In re Application of	:	
KASUGAI, JUNYA et al.	:	DECISION ON REQUEST TO
Application No. 12/090,987	:	PARTICIPATE IN PATENT
Filed: April 21, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. Q107836	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The petition fee under 37 CFR 1.17(h).

The request to participate in the PCT-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 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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14 NOV 2008

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of :
MAZAR :
Application No.: 12/091,003 : DECISION
PCT No.: PCT/US06/41285 :
Int. Filing Date: 23 October 2006 :
Priority Date: 21 October 2005 :
Attorney Docket No.: DONATE-3A :
For: IDENTIFICATION OF NOVEL :
PROTEIN TARGETS ON THE SURFACE :
OF STRESSED CELLS

This is a decision on applicant's response to Notification of Missing Requirements filed 03 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 July 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 03 September 2008, applicant filed the instant response including an executed declaration.

DISCUSSION

At the outset, it is noted that the declaration is unacceptable as submitted because the declaration identifies two inventors (Fernando Donate and Jose C. Juarez) who were not named as applicant/inventors in the published international application.

A review of the published international application PCT/US06/41285 reveals that Andrew P. Mazar is the sole named inventor. Applicant did not provide a Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Fernando Donate and Jose C. Juarez as applicant/inventors under PCT Rule 92*bis*. In lieu of the Form 306, applicant must file a petition under 37 CFR 1.497(d).

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 37 CFR §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)).

CONCLUSION

The declaration executed by the sole inventor and by Fernando Donate and Jose C. Juarez in the above referenced application is unacceptable and is not in compliance with 37 CFR 1.497(a) and (b) at this time.

Applicant must file a declaration in compliance with 37 CFR 1.497(a) and (b). To meet this requirement, applicant may submit the Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Fernando Donate and Jose C. Juarez as applicant/inventors under PCT Rule 92*bis*. In the alternative, applicant may file a petition under 37 CFR 1.497(d) to add Fernando Donate and Jose C. Juarez as inventors in the above-captioned application.

Any reconsideration must be filed within ONE (1) MONTH from the mail date of this decision or in the time remaining, as set forth in the FORM PCT/DO/EO/905.

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 PCT Legal Office.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

09 FEB 2009

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of :
MAZAR :
Application No.: 12/091,003 :
PCT No.: PCT/US06/41285 :
Int. Filing Date: 23 October 2006 :
Priority Date: 21 October 2005 : DECISION
Attorney Docket No.: DONATE-3A :
For: IDENTIFICATION OF NOVEL :
PROTEIN TARGETS ON THE SURFACE :
OF STRESSED CELLS

This is a decision on applicant's response to Notification of Missing Requirements filed 10 December 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 July 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 03 September 2008, applicant filed a response including an executed declaration. On 14 November 2008, a decision was mailed indicating that the declaration was unacceptable as it was not in compliance with 37 CFR 1.497(a) and (b). The declaration was unacceptable as submitted because the declaration identifies two inventors (Fernando Donate and Jose C. Juarez) who were not named as applicant/inventors in the published international application.

On 10 December 2008, applicant filed the instant petition under 37 CFR 1.497(d).

DISCUSSION

As previously noted, a review of the published international application PCT/US06/41285 reveals that Andrew P. Mazar is the sole named inventor. A Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Fernando Donate and Jose C. Juarez as applicant/inventors under PCT Rule 92*bis* was not provided..

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 37 CFR §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)).

The $130 petition fee was paid. The petition did include the statement from Fernando Donate being added as an inventor that any error in inventorship occurred without deceptive intention on his part. The written consent of the assignee was also submitted.

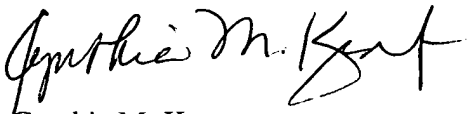
However, the statement from Jose C. Juarez, one of the persons being added as an inventor, did not have the proper format for his electronic signature. 37 CFR 1.4(d)(2) requires: "An S-signature is a signature inserted between forward slash marks". Mr. Juarez's signature was not between forward slash marks and is unacceptable. A newly executed statement is required.

CONCLUSION

The declaration executed by the sole inventor and by Fernando Donate and Jose C. Juarez in the above referenced application is unacceptable at this time and thus, is not in compliance with 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.497(d) is **DISMISSED without prejudice**. Applicant's response must be filed within TWO (2) MONTHS from the mail date of this decision. No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a). A newly executed statement from Jose C. Juarez 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 PCT Legal Office.



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27 FEB 2009

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of :
MAZAR :
Application No.: 12/091,003 :
PCT No.: PCT/US06/41285 :
Int. Filing Date: 23 October 2006 : DECISION ON PETITION
Priority Date: 21 October 2005 :
Attorney Docket No.: DONATE-3A : UNDER 37 CFR 1.497(d)
For: IDENTIFICATION OF NOVEL :
PROTEIN TARGETS ON THE SURFACE :
OF STRESSED CELLS

This is a decision on applicant's "Communication to PCT Legal Office on Dismissal of Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 11 February 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 July 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 03 September 2008, applicant filed a response including an executed declaration. On 14 November 2008, a decision was mailed indicating that the declaration was unacceptable as it was not in compliance with 37 CFR 1.497(a) and (b). The declaration was unacceptable as submitted because the declaration identifies two inventors (Fernando Donate and Jose C. Juarez) who were not named as applicant/inventors in the published international application.

On 10 December 2008, applicant filed a petition under 37 CFR 1.497(d). On 09 February 2009, a decision was mailed indicating that the statement from Jose C. Juarez, one of the persons being added as an inventor, did not have the proper format for his electronic signature.

On 11 February 2009, applicant submitted a statement from Jose C. Juarez.

DISCUSSION

As previously noted, 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 37 CFR §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)).

Petitioner has now fulfilled all the requirements of 37 CFR 1.497(d) with the filing of the statement from Jose C. Juarez, one of the persons being added as an inventor.

CONCLUSION

The petition under 37 CFR 1.1497(d) to add Inventors Fernando Donate and Jose C. Juarez in the above-captioned application is **GRANTED.**

The declaration, executed by Andrew P Mazar, Fernando Donate and Jose C. Juarez 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 03 September 2008.

Cynthia M. Kratz
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PCT Legal Office
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17 MAR 2009

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65913
NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPT.
M/S41-SJ
1109 MCKAY Drive
San Jose, CA 95131

In re Application of
MAONE, Francesco A.
U.S. Application No.: 12/091,005
PCT No.: PCT/IB2006/053791
Int. Filing Date: 16 October 2006
Priority Date: 26 October 2005
Docket No.: 00-3328 US1
For: HIGH SPEED COMPARATOR

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 03 February 2009 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was submitted. The petition fee was provided. Applicant submitted the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

06 JUL 2009

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of	:	
DUDDLE et al.	:	DECISION ON
Serial No.: 12/091,013	:	
PCT No.: PCT/GB06/03897	:	PETITION
Int. Filing Date: 20 October 2006	:	
Priority Date: 20 October 2005	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 15999.46.2	:	
For: SLIDING PANEL SYSTEM	:	

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 09 February 2009 to accept the application without the signature of inventor RON STILLIARD. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 09 July 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 09 February 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor STILLIARD along with two declarations executed by the co-inventors. Applicant paid the $65 surcharge for filing the declaration after the thirty month period.

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 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) and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner satisfied Item (1) with the payment of the $200 petition fee. Item (3) is satisfied with the statement of the last known address of the non-signing inventor. Item (4) is satisfied as

the declarations are signed by the joint inventors on their behalf and on behalf of the non-signing inventor.

With regard to Item (2), MPEP Section 409.03(d) 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 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.)

Here, Petitioner does not provide a first hand statement of facts regarding the refusal of the nonsigning inventor to sign the application papers. Petitioner does not indicate who sent the correspondence to Mr. Stilliard but merely states: "Formal application papers, including the required Declaration document, were presented to Mr. Stilliard to execute. Mr. Stilliard indicated that he would not execute the Declaration document."

A copy of the correspondence sent to Mr. Stilliard was not attached to the petition. No details as to the timing of the letter or Mr. Stilliard's refusal are given in a first hand statement of facts. Which documents were included for Mr. Stilliard's review? Thus, it is unclear from the statement whether a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) were sent to Mr. Stilliard to properly apprise him of the application for which the oath or declaration is directed and for which his signature was required. No postal receipts identifying who signed for the correspondence were provided; hence, it cannot be concluded that Mr. Stilliard received them. As stated above, "[w]here a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the 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." *See* MPEP 409.03(d) Refusal to Join.

From the evidence presented one cannot conclude that Mr. Stilliard refuses to sign the application papers. The action taken by petitioner is not sufficient to prove that Mr. Stilliard refuses to sign the application papers.

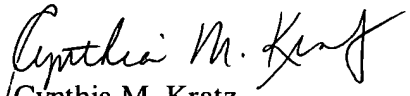
In sum, Petitioner has satisfied Items (1), (3) and (4). Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 12/091,013 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and Mr. Stilliard's refusal to sign, either in writing or by telephone, these documents. 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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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of	:	
DUDDLE et al.	:	DECISION ON
Serial No.: 12/091,013	:	
PCT No.: PCT/GB06/03897	:	PETITION
Int. Filing Date: 20 October 2006	:	
Priority Date: 20 October 2005	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 14469-9025-00	:	
For: METHODS AND APPARATUS FOR MONITORING VEHICLE DATA	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 08 September 2009 to accept the application without the signature of inventor RON STILLIARD.

BACKGROUND

On 09 July 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 09 February 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor STILLIARD along with two declarations executed by the co-inventors. Applicant paid the $65 surcharge for filing the declaration after the thirty month period.

On 06 July 2009, a decision was mailed to applicant, dismissing the petition, on the grounds that Petitioner had not demonstrated the nonsigning inventor's refusal.

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 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) and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner previously satisfied Items (1), (3) and (4).

Petitioner provided the first hand statement of facts of Alan Wilson, patent attorney and partner at Barker Brettell LLP, regarding the refusal of the nonsigning inventor to sign the application papers. Petitioner indicates that several attempts to obtain the signature of the nonsigning inventor were tried. On 18 May 2009, John Lawrence, a partner at the same law firm, sent a letter with a complete copy of the application papers to Mr. Stilliard. Thereafter, on 17 and 28 July 2009, Mr. Wilson sent the correspondence to Mr. Stilliard requesting his signature on the enclosed declaration and with each letter, included a copy of the application papers. Mr. Wilson also indicates that the application papers including the declaration were presented to Mr. Stilliard to execute. Mr. Stilliard's 22 July 2009 correspondence to Mr. Wilson indicated that he expected "compensation for giving up my rights and claims to the existing patent [12/091,013 & 12/368,166]. A copy of correspondence to and from Mr. Stillard was attached to the petition.

It is now clear from the first hand statement and the correspondence that a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) were sent to Mr. Stilliard to properly apprise him of the application for which the oath or declaration is directed and for which his signature was required. Signed delivery receipts were provided. From the evidence presented one can now conclude that Mr. Stilliard refuses to sign the application papers. The action taken by petitioner is sufficient to prove that Mr. Stilliard refuses to sign the application papers.

In sum, Petitioner has satisfied Items (1)-(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 declaration filed 09 February 2009. The application has an international filing date of 20 October 2006 under 35 U.S.C. 363, and a date of 09 February 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
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05 NOV 2009

RON STILLIARD
16 ALDERSHAWS
DICKENS HEATH
SOLIHULL
WEST MIDLANDS
B90 1SQ
UNITED KINGDOM

In re Application of DUDDLE et al.
Application No.: 12/091,013
PCT No.: PCT/GB06/03897
Int. Filing: 20 October 2006
Priority Date: 20 October 2005
Atty Docket No.: 14469-9025-00
For: METHODS AND APPARATUS FOR MONITORING VEHICLE DATA

Dear Mr. Stilliard:

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

MICHAEL BEST & FRIEDRICH LLP
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TECHNOLOGY CENTER 2600

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

In re Application of
JUNG, YANG-WON, et al.
Application No. 12/091,052
Filed: June 25, 2008
Attorney Docket No. 24622-0140US1

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed: October 14, 2008

DLA PIPER US LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

Applicant: Banga et al.
Appl. No.: 12/091,062
Filing Date: October 23, 2006
Title: SYSTEMS AND METHOD OF NETWORK OPERATION AND INFORMATION PROCESSING, INCLUDING DATA ACQUISITION, PROCESSING AND PROVISION, INCLUDING DATA ACQUISITION, PROCESSING AND PROVISION AND/OR INTEROPERABILITY FEATURES
Attorney Docket No.: 366165-991230

This is a decision on the request for amended publication of patent application publication under 37 CFR 1.215(c), filed on October 8, 2008, for the above-identified application.

The request under 37 CFR 1.215(c) is DISMISSED.

37 CFR 1.215(c) requires "a copy of the application in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later." If the copy of the application does not comply with the Office electronic filing system requirements, the Office will publish the application as provided in 37 CFR 1.215(a).

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.215(c) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. In addition, the applicant did not provide the documents "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 request for amended publication does not comply with the electronic filing system requirements and was not timely filed, thus amended publication will not take place.

Any request for amended publication under 37 CFR 1.215(c), must be submitted via the EFS system, **as a Pre-Grant publication submission,** and must be submitted 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.

As no fee is required for amended publication under 37 CFR 1.215(c), the publication fee is being refunded.

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

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

By facsimile: 571-273-8300

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

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

Adjustment date: 10/14/2008 KKING1
10/09/2008 INTEFSW 00005148 071896 12091062
01 FC:1504 300.00 CR

2 3 JUN 2008

United States Patent and Trademark Office

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www.uspto.gov

SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

In re Application of :
Fischer et al. :
Application No.: 12/091,116 :
PCT No.: PCT/EP2006/066411 :
Int. Filing Date: 15 September 2006 : DECISION
Priority Date: 14 October 2005 :
Attorney Docket No.: 032301.535 :
For: Mixed Oxide Catalysts For The Catalytic Gas-Phase :
Oxidation Of Olefins And Processes For Producing Them :

The petition to revive under 37 CFR 1.137(b) filed on 22 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.

Inspection of the declaration reveals that it appears to have been compiled from sheets taken from more than one declaration document, and/or using separate sheets signed by the individual inventors. MPEP 201.03 explains (in part) that

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

Under this policy, it would not be appropriate to accept the declaration as filed on 22 April 2008.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

20 MAY 2008

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23552
MERCHANT & GOULD PC
P.O. Box 2903
Minneapolis MN 55402-0903

In re Application of :
MORET *et al* :
Application No.: 12/091,158 :
PCT No.: PCT/CH2006/000562 : **DECISION**
Int. Filing Date: 11 October 2006 :
Priority Date: 25 October 2005 :
Attorney's Docket No.: 07524.0039USWO :
For: DIECASTING METHOD AND DEVICE :

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

BACKGROUND

On 22 April 2008, applicants filed papers using the EFS-Web system to enter the national stage of PCT/CH2006/000562 at 17:33:27 using attorney docket number 07524.0039USWO. No fees were paid with this submission. This application was given U.S. application number 12/091,155.

A second set of national stage papers for PCT/CH2006/000562 was filed using the EFS-Web system at 17:41:45 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 12/091,158. Fees totaling $930.00 were provided in the second application.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/CH2006/000562. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings on 22 April 2008 indicate that the filing is a "U.S. National Stage under 35 USC 371." of PCT/CH2006/000562. No conflicting instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the

United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/CH2006/000562 denoted as U.S. application No. **12/091,158**.

Applicants must use only U.S. application No. **12/091,158** for all correspondence to the national stage application of PCT/CH2006/000562. Applicants are advised that U.S. application No. 12/091,155 is no longer a valid U.S. National stage application.

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

James Thomson

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
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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

Mail Date: 04/21/2010

Applicant	: Jonathan Aikman	: DECISION ON REQUEST FOR
Patent Number	: 7578013	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/091,170	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/22/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JUL 2008

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

In re Application of	:	
IM, et al.	:	
U.S. Application No.: 12/091,257	:	DECISION ON PETITION
PCT No.: PCT/KR06/03774	:	
Int. Filing Date: 22 September 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 23 September 2005	:	
Attorney Docket No.: Q107919	:	
For: COMPOSITIONS FOR PREVENTING OR TREATING ARTHRITIS COMPRISING LACTIC ACID BACTERIA AND COLLAGEN AS ACTIVE INGREDIENTS	:	

The petition to revive under 37 CFR 1.137(b) filed 23 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 a 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 22 September 2006 under 35 U.S.C. 363 and will be given a date of **23 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

6 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Inskeep Intellectual Property Group, Inc.
2281 W. 190th Street
Suite 200
Torrance, CA 90504

In re Application of :
PALMER et al. :
Application No.: 12/091,272 : DECISION ON PETITION
PCT No.: PCT/US2006/029947 : UNDER 37 CFR 1.47(a)
Int. Filing: 31 July 2006 :
Priority Date: 24 October 2005 :
Attorney Docket No.: 1506-550 :
For: COMPUTER-OPERATED LANDSCAPE :
IRRIGATION AND LIGHTING SYSTEM

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 12 January 2009 to accept the application without the signature of joint inventor, Doug Palmer. The $200 petition fee has been submitted.

BACKGROUND

On 31 July 2006, applicants filed international application PCT/US2006/029947, which claimed a priority date 24 October 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 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, 24 April 2008.

On 23 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); a copy of the international application; and a preliminary amendment.

On 12 August 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 12 January 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 non-signing joint inventor. Items (1); (3); and (4) have been satisfied.

As to item (2), petitioner states that Doug Palmer 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.

Here, the attempts to contact the nonsigning inventor are set forth in the declaration (Statement of Facts) of Charles E. Fredericks. However, it is not clear whether the person (Charles E. Fredericks) who executed the declaration is the person who conducted all of the actions set forth therein. It appears that the statements made with regards to the efforts to reach Doug Palmer constitutes secondhand knowledge, at best, in that the majority of the actions to which petitioner is averring to were conducted by Kathy Hinckley and Allan Goldberg. Secondhand evidence does not satisfy the requirements set forth above. Applicants must provide evidence of the efforts made to reach the nonsigning inventor in the form required by the MPEP, that is, in an affidavit or declaration from a person with firsthand knowledge of the facts set forth, accompanied by copies of any supportive documentary evidence.

For the above reasons, it would not be appropriate to accept this application without the signature of Doug Palmer at this time.

Application No.: 12/091,272

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 of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

18 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Inskeep Intellectual Property Group, Inc.
2281 W. 190th Street, Suite 200
Torrance, CA 90504

In re Application of: PALMER et al.
Application No.: 12/091,272
PCT No.: PCT/US2006/029947
Int. Filing: 31 July 2006
Priority Date: 24 October 2005
Attorney Docket No.: 1506-550
For: COMPUTER-OPERATED LANDSCAPE IRRIGATION AND LIGHTING SYSTEM

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 06 July 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

On 19 August 2009, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Allan M. Goldberg, Charles E. Fredericks, and Kathy Hinckley, with supporting documents, describing efforts made to locate the nonsigning inventor. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. The renewed petition under 37 CFR 1.47(a) is GRANTED.

The application is accepted without the signature of nonsigning inventor Doug Palmer.

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.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony R

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

UNITED STATES PATENT AND TRADEMARK OFFICE

18 SEP 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Doug Palmer
1310 Elizabeth Street
Redlands, CA 92373

In re Application of: PALMER et al.
Application No.: 12/091,272
PCT No.: PCT/US2006/029947
Int. Filing: 31 July 2006
Priority Date: 24 October 2005
Attorney Docket No.: 1506-550
For: COMPUTER-OPERATED LANDSCAPE IRRIGATION AND LIGHTING SYSTEM

Dear Doug Palmer:

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:
Inskeep Intellectual Property Group, Inc.
2281 W. 190th Street, Suite 200
Torrance, CA 90504

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/091,346	04/24/2008	Bruce A. King	64216A US	2163

109 7590 06/17/2010

The Dow Chemical Company
P.O. BOX 1967
Midland, MI 48641

EXAMINER	
ZEMEL, IRINA SOPJIA	
ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
06/17/2010	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
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June 17, 2010

CST

In re application of	:	DECISION ON REQUEST TO
Bruce A. King et al	:	PARTICIPATE IN PATENT
Serial No.12/091,346	:	PROSECUTION HIGHWAY
Filed: April 24, 2008	:	PILOT PROGRAM AND
For: BROMINATED BUTADIENE/VINYL AROMATIC COPOLYMERS	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed on April 12, 2010.

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 EPO, note where the EPO 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 EPO application with similar claims and the EPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the EPO application(s);
   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 EPO application(s); and
   b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:
a. A copy of all of the Office action (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request;
b. An English language translation of the EPO Office action from (5)(a) 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 EPO examiner in the EPO 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 fail because:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, note where the EPO 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 EPO application with similar claims and the EPO priority application.

The present application is a national stage application of PCT/US06/041295. The PCT claims priority to US provisional application 60/735,361. It appears that the EPO application 06836467.8 is the European phase entry of the above PCT.

Note that while the OG Notice of December 10, 2008 describes a situation where the US application is the national stage of the PCT, and that the EPO application is also filed from the same PCT, the OG Notice does require that the PCT application has no priority claim (see example (b) (iii)). As PCT/US06/041295 claims priority to US provisional application 60/735,361, it appears that the present national stage application is not eligible to participate in the PPH program.

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

10 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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INVERNESS MEDICAL INNOVATIONS / WSGR
WILSON SONSINI GOODRICH & ROSATI, P.C.
650 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of WU et al	:	
U.S. Application No.: 12/091,368	:	
PCT Application No.: PCT/GB2006/003910	:	DECISION
Int. Filing Date: 20 October 2006	:	
Priority Date Claimed: 25 October 2005	:	
Attorney Docket No.: 32209-736.831	:	
For: DEVICE FOR DETECTING ANALYTES IN FLUID SAMPLES	:	

This is in response to applicant's "Renewed Petition Under 37 §1.47(a)" filed 20 October 2008.

BACKGROUND

On 20 October 2006, applicant filed international application PCT/GB2006/003910, which claimed priority of an earlier China application filed 25 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 03 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 April 2008.

On 24 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 05 June 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 05 August 2008, applicant filed a petition under 37 CFR 1.47(a).

On 20 August 2008, this Office mailed a decision dismissing the 05 August 2008 petition.

On 20 October 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Petitioner has previously satisfied items (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 petition states that joint inventor Yuzhang Wu refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Wu for signature. Specifically, the affidavit of Qingniang Xiang states that the application papers were sent in a letter to Wu dated 01 July 2008 (see Xiang affidavit, ¶9, and "Exhibit C" with translation). Exhibit C shows that the 01 July 2008 letter was received by Wu. Furthermore, the petition sufficiently illustrates that Wu refuses to sign. In particular, Wu made an express oral refusal to sign during a telephone conversation with Xiang on 21 July 2008 (see Xiang affidavit, ¶11). Therefore, it can be concluded with reasonable certainty that Wu 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 20 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 05 August 2008.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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10 DEC 2008

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Yuzhang Wu
Room 202, 4th Unit, Building 8
Beijing Yuan, Hefeng Yuan Xiacheng District
P.R. of China 310022

In re Application of WU et al
U.S. Application No.: 12/091,368
PCT Application No.: PCT/GB2006/003910
Int. Filing Date: 20 October 2006
Priority Date Claimed: 25 October 2005
For: DEVICE FOR DETECTING ANALYTES IN FLUID SAMPLES

Dear Yuzhang Wu:

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

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

Bryan Lin

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WILSON SONSINI GOODRICH & ROSATI, P.C.
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PALO ALTO, CA 94304
Attorney Docket No.: 32209-736.831

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WASHINGTON, DC 20036

In re Application of YANO et al	:	
U.S. Application No.: 12/091,418	:	
PCT Application No.: PCT/JP2006/321621	:	DECISION
Int. Filing Date: 30 October 2006	:	
Priority Date Claimed: 31 October 2005	:	
Attorney Docket No.: HOK-0417	:	
For: ELECTROSTATIC ATOMIZER	:	

This is in response to applicant's correspondence filed 24 April 2008, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 30 October 2006, applicant filed international application PCT/JP2006/321621, which claimed priority of an earlier Japan application filed 31 October 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 expired on 30 April 2008.

On 24 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) and the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 24 April 2008 states that joint inventor Toshihisa Hirai is deceased.

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.

Applicant is advised that the submission of a declaration executed by the heir(s) of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

The declaration filed 24 April 2008 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 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

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MAR 0 3 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
HAMAGUCHI, YASUHIRO, et al.
Application No. 12/091,430
Filed: April 24, 2008
Attorney Docket No. **1609-0179PUS1**

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

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

2 7 OCT 2009

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TUROCY & WATSON, LLP
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In re Application of	:	DECISION ON
Rajat PRAKASH et al	:	
Application No.: 12/091,441	:	
Int. Application: PCT/US2006/043025	:	
Int. Filing Date: 27 October 2006	:	REQUEST UNDER
Priority Date: 27 October 2005	:	
Attorney's Docket No.: 070239WO	:	
For: A METHOD... COMMUNICATION SYSTEMS	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER RULE 1.48(A)," which is being treated as a request under 37 CFR 1.497(d)" filed on 09 April 2009, to add joint inventor Alexei Gorokhov and delete joint inventors Fiath Ulupinar, Edward Harrison Teague, and Arak Sutivong in the executed declaration. The processing fee of $130.00 has been charged to Deposit Account No.: 50-1063.

BACKGROUND

On 27 October 2006, applicant filed international application No. PCT/US2006/091,441 claiming a priority date of 27 October 2005. The deadline for entry into the national stage by paying the basic national fee in the U.S. expired as of midnight of 27 April 2008 (which was a Sunday).

On 28 April 2008, applicants filed entry into the national stage in the United States of America. The requisite basic national fee was filed at the such time, but no executed declaration.

On 15 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date." The notice also indicated that the items set forth above 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.

On 09 October 2008, filed an executed declaration which listed the following joint inventors: Rajat Prakash, Fiath Ulupinar, Edward Harrison Teague, and Arak Sutivong.

On 13 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: the international application lists 3 inventors. The submitted declaration shows 5 inventors. Please clarify. The Notification indicated that applicants are required to complete the response within a time limit of One Month from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is later.

On 09 April 2009, applicants filed a "REQUEST TO CORRECT INVENTORSHIP UNDER 1.48(A)," which included, *inter alia*, a statement under 37 CFR1.497(d) adding joint inventor Alexei Gorokhov to the declaration, and deleting joint inventors Fiath Ulupinar, Edward Harrison Teague, and Arak Sutivong from the declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or 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 (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted by Alexei Gorokhov, Fiath Ulupinar, Edward Harrison Teague, and Arak Sutivong are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been charged to Deposit Account no.: 50-1063.

With respect to item (3), Qualcomm Incorporated, the assignee, consents to the correction of inventorship to the above application and it has filed the requisite papers as a copy of the assignment showing that it is the assignee of the above application and has establish its right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **09 April 2009**.

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09 JUL 2008

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In re Application of DI COSMO et al	:	
U.S. Application No.: 12/091,508	:	
PCT Application No.: PCT/EP2006/067654	:	
Int. Filing Date: 23 October 2006	:	DECISION
Priority Date Claimed: 27 October 2005	:	
Attorney Docket No.: LSP-1028US	:	
For: LIQUID THICKENERS FOR AQUEOUS SYSTEMS	:	

This is in response to applicant's "Petition Under Rule 1.181" filed 24 June 2008.

BACKGROUND

On 23 October 2006, applicant filed international application PCT/EP2006/067654, which claimed priority of an earlier Italy application filed 27 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 03 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2008.

On 25 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) and an executed declaration.

On 10 June 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 June 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916).

On 24 June 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The Notification of Defective Response stated that the second inventor listed in the executed declaration is not listed in the published international application. However, a review of PCT records indicates that the second inventor was properly identified in the international application. Accordingly, the Notification of Missing Requirements and the Notification of Defective Response were sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 10 June 2008 is hereby VACATED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 18 June 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 October 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

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INGRASSIA FISHER & LORENZ, P.C. (GME)
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In re Application of BERGBAUER et al.	:	
Application No.: 12/091,553	:	
PCT No.: PCT/EP06/06427	:	DECISION ON
Int. Filing: 01 July 2006	:	
Priority Date: 07 July 2005	:	PETITION TO REVIVE
Attorney Docket No.: 060.0063US	:	
For: DEVICE FOR GENERATING A VACUUM IN A MOTOR VEHICLE	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 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 this 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 $310 has now 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.

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, are required.

Cynthia M. Kratz
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In re Application of	:	
YANO, et al.	:	
Application No.: 12/091,637	:	
PCT No.: PCT/JP2006/321622	:	DECISION ON PAPERS
Int. Filing Date: 30 October 2006	:	
Priority Date: 31 October 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: HOK-0418	:	
For: ELECTROSTATICALLY ATOMIZING DEVICE	:	

This decision is in response to applicant's declaration filed 25 April 2008 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 30 October 2006, applicant filed international application PCT/JP2006/321622 which claimed priority to an earlier application filed 31 October 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 thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2008.

On 25 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); an English translation of the international application as filed; an Information Disclosure Statement and an executed declaration of the inventors.

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."

In addition to the inventors listed on the published international application, the submitted declaration was executed by Kishiko Hirai as legal representative to the estate of deceased inventor, Toshihisa Hirai. The declaration provides the residence, citizenship and mailing

addresses for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a). The declaration properly identifies and has been signed by the remaining inventors and therefore complies with 37 CFR 1.497(a)-(b).

For the reasons stated above, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42 at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 30 October 2006 and will be given a date of **25 April 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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In re Application of BALLEW et al	:	
U.S. Application No.: 12/091,698	:	
PCT Application No.: PCT/US2006/060186	:	
Int. Filing Date: 24 October 2006	:	DECISION
Priority Date Claimed: 25 October 2005	:	
Attorney Docket No.: 68900-5-9	:	
For: REMEDIATION WITH HYDROEXCAVATION AND SOLVENTS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 12 March 2009.

BACKGROUND

On 24 October 2006, applicant filed international application PCT/US2006/060186, which claimed priority of an earlier United States application filed 25 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 25 April 2008.

On 25 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 12 August 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 12 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

On 27 May 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

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

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

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

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The

> document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Inventor William Anderson

The petition states that joint inventor William Anderson refuses to sign the application papers. However, the petition fails to adequately show that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to inventor Anderson for signature. Although the affidavit of Mark Vriesigna states that inventor Anderson was presented with a copy of the declaration (see Vriesigna affidavit, ¶6), there is no evidence that the specification, claims, and drawings were ever presented to inventor Anderson. Furthermore, Mr. Vriesigna does not appear to be the person who actually presented the papers to inventor Anderson, i.e. a statement from the person with firsthand knowledge has not been provided. In addition, the petition fails to sufficiently demonstrate that inventor Anderson refuses to sign. In particular, the circumstances of the refusal (e.g. the time and place) are not set forth in an affidavit signed by the person to whom the refusal was made. Therefore, it would not be reasonable to conclude that inventor Anderson refuses to join in the application.

Inventor Lee Starnes

The petition states that inventor Starnes cannot be located. However, the petition fails to illustrate that a diligent effort was made to find inventor Starnes. In particular, although the affidavits of Mark Vriesigna and Seth Levy conclude that a diligent effort was made to reach inventor Starnes, neither affidavit details the steps taken to locate the whereabouts of inventor Starnes, and neither affidavit is accompanied by documentary evidence of any efforts made to contact inventor Starnes. Thus, it would not be reasonable to conclude at the present time that inventor Starnes cannot be located.

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

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

CONCLUSION

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

The Notice of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 27 May 2009 was sent prematurely and is hereby VACATED.

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

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

Bryan Lin

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UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

In re Application of MAYER et al	:	
U.S. Application No.: 12/091,738	:	
PCT Application No.: PCT/US2006/041832	:	DECISION
Int. Filing Date: 25 October 2006	:	
Priority Date Claimed: 25 October 2005	:	
Attorney Docket No.: 532552002131	:	
For: FIXED RATIO DRUG COMBINATION TREATMENTS FOR SOLID TUMORS	:	

This is in response to applicant's "Petition to File Declaration on Behalf of Nonsigning Inventor Who Refuses to Sign Under 37 C.F.R. § 1.47(a)" filed 13 October 2008.

BACKGROUND

On 25 October 2006, applicant filed international application PCT/US2006/041832, which claimed priority of an earlier United States application filed 25 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 25 April 2008.

On 25 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 11 August 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 13 October 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

With regard to item (1) above, the declaration filed with the petition is improper. Specifically, the declaration identifies U.S. Application No. 11/586,215 as the specification to which the declaration is directed.

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

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

The petition states that joint inventor John Redman refuses to sign the application papers. However, the petition fails to demonstrate that a bona fide attempt was made to present a copy of the application papers to Dr. Redman for signature and fails to illustrate that Dr. Redman refuses to sign. In particular, the affidavit of Lawrence Mayer and the supporting documentation is directed to U.S. Application No. 11/586,215 and not to the present application. Accordingly, it would not be reasonable to conclude at the present time that Dr. Redman refuses to join in the application.

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

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

CONCLUSION

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

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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In re Application of MAYER et al :
U.S. Application No.: 12/091,738 :
PCT Application No.: PCT/US2006/041832 : DECISION
Int. Filing Date: 25 October 2006 :
Priority Date Claimed: 25 October 2005 :
Attorney Docket No.: 532552002131 :
For: FIXED RATIO DRUG COMBINATION :
TREATMENTS FOR SOLID TUMORS

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 10 July 2009.

BACKGROUND

On 25 October 2006, applicant filed international application PCT/US2006/041832, which claimed priority of an earlier United States application filed 25 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 25 April 2008.

On 25 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 11 August 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 13 October 2008, applicant filed a petition under 37 CFR 1.47(a).

On 10 December 2008, this Office mailed a decision dismissing the 13 October 2008 petition.

On 10 July 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

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

With regard to item (1) above, as stated in the decision mailed 10 December 2008, the declaration filed on 13 October 2008 is improper. Specifically, the declaration identifies U.S. Application No. 11/586,215 as the specification to which the declaration is directed.

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

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

The petition states that joint inventor John Redman refuses to sign the application papers. The renewed petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Dr. Redman for signature and that Dr. Redman received such papers (see letter dated 11 February 2009 and FedEx tracking results). Furthermore, the petition sufficiently illustrates that Dr. Redman refuses to sign. In particular, Dr. Redman's failure to return an executed declaration in response to the 11 February 2009 letter is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Dr. Redman refuses to join in the application.

CONCLUSION

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

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

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

Bryan Lin

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22 JAN 2010

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In re Application of MAYER et al :
U.S. Application No.: 12/091,738 :
PCT Application No.: PCT/US2006/041832 : DECISION
Int. Filing Date: 25 October 2006 :
Priority Date Claimed: 25 October 2005 :
Attorney Docket No.: 532552002131 :
For: FIXED RATIO DRUG COMBINATION TREATMENTS FOR SOLID TUMORS :

This is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed 09 November 2009.

BACKGROUND

On 25 October 2006, applicant filed international application PCT/US2006/041832, which claimed priority of an earlier United States application filed 25 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 25 April 2008.

On 25 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 11 August 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 13 October 2008, applicant filed a petition under 37 CFR 1.47(a).

On 10 December 2008, this Office mailed a decision dismissing the 13 October 2008 petition.

On 10 July 2009, applicant filed a renewed petition under 37 CFR 1.47(a).

On 11 September 2009, this Office mailed a decision dismissing the 10 July 2009 petition.

On 09 November 2009, applicant filed the present second renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

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

With regard to item (1) above, the instant renewed petition is accompanied by a proper declaration executed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 25 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 November 2009.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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22 JAN 2010

John Redman
9 Hastings Drive
Mullica Hills, NJ 08062

In re Application of MAYER et al
U.S. Application No.: 12/091,738
PCT Application No.: PCT/US2006/041832
Int. Filing Date: 25 October 2006
Priority Date Claimed: 25 October 2005
For: FIXED RATIO DRUG COMBINATION TREATMENTS FOR SOLID TUMORS

Dear John Redman:

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

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

Bryan Lin

Bryan Lin
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PCT Legal Office
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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
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SAN DIEGO, CA 92130-2040 Attorney Docket No.: 532552002131

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JEROME D. JACKSON
(JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA VA 22314

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Paris, et al.
Application No. 12/091,745
Filed/Deposited/§371(c) Date: __ ____, ____
Attorney Docket No. 171.028

DECISION ON PETITION

This is a decision on the petition filed on 18 December, 2008, and supplemented on 15 January, 2009, under 37 C.F.R. §1.47(a).

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

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

BACKGROUND

The record indicates:

- the instant application was deposited on 26 April, 2008, without, *inter alia*, a fully executed oath/declaration;
- on 18 August, 2008, the Office mailed a Notice of Missing Parts/Requirements indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 18 December, 2008, Petitioner Jerome D. Jackson (Reg. No. 33,186) filed, *inter alia*,

an oath/declaration signed by co-inventor Paris for himself and on behalf of non-signing inventor Frederic Vuares (Mr. Vaures), a petition and statement of last known address of the non-signing inventor, and other showings in an effort to support his petition. Thereafter, on 15 January, 2009, Petitioner supplemented his petition with an averment of the joinder of Mr. Vaures, and provided in support of that averment a copy of that oath/declaration in compliance with 37 C.F.R. §1.63—and so evidencing his joinder.

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

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

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot for joinder**.

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, 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.

0 4 DEC 2008

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51707
WRB-IP LLP
1217 King Street
Alexandria, VA 22314

In re Application of :
ANDERSSON *et al* :
U.S. Application No.: 12/091,755 :
PCT No.: PCT/SE2005/001628 : **DECISION**
Int. Filing Date: 28 October 2005 :
Priority Date: None :
Attorney Docket No.: 000009-223 :
For: STEERING WHEEL ARRANGEMENT :

This decision is in response to the petition under 37 CFR 1.182 filed 07 October 2008.

BACKGROUND

On 21 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond.

On 07 October 2008, applicants filed an executed declaration which was accompanied by, *inter alia*, the subject petition, an affidavit, the $400.00 petition fee and $130.00 surcharge fee.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

Petitioners state that the inventor has changed her last name from GUNNARSSON to ALVEHAV. Petitioners included an affidavit signed by the inventor listing both names and setting forth that the name change was the result of marriage. This explanation is sufficient. The $400.00 petition fee has paid.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted with the petition on 07 October 2008 is in compliance with 37 CFR 1.497(a) and (b). The $130.00 surcharge fee was paid.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 28 October 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 07 October 2008.

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

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.
12/091,756	04/28/2008	Satoshi Murata	324354US26PCT	5383

22850 7590 11/25/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
3616	

NOTIFICATION DATE	DELIVERY MODE
11/25/2008	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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NOV 24 2008

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re application of
Satoshi Murata
Application No. 12/091,756
Filed: November 21, 2008
For: SUSPENSION TRAILING ARM

: **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 21, 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 the preliminary amendment filed November 21, 2008 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.

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: 11/21/08

03 SEP 2008

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

In re Application of	:	
SCHUMACHER, et al.	:	
U.S. Application No.: 12/091,767	:	DECISION ON PETITION
PCT No.: PCT/EP06/67232	:	
Int. Filing Date: 10 October 2006	:	UNDER 37 CFR 1.182
Priority Date: 12 November 2005	:	
Attorney's Docket No.: 319377US0XPCT	:	
For: PROCESS FOR THE PRODUCTION OF DOPED METAL OXIDE PARTICLES	:	

This decision is in response to applicant's "Declaration of Matthias Rochina" filed 10 June 2008 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.182. As authorized, the $400.00 petition fee will be charged to deposit account number 15-0030.

BACKGROUND

On 10 October 2006, applicant filed international application PCT/EP06/67232, which claimed priority of an earlier application filed 12 November 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 18 May 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 12 May 2008.

On 28 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); a First preliminary amendment; an Information Disclosure Statement; an Application Data Sheet and an executed declaration and power of attorney. The fifth listed inventor was identified as Matthias Rochnia whereas the published international application identified this inventor as Andree-Matthias Rochnia.

On 10 June 2008, applicant filed the declaration discussed herein.

DISCUSSION

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

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to

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

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

The presently filed declaration is executed by Mr. Rochnia and identifies his current and former name and that the name on the published international application was in error. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Andree-Matthias Rochnia to Matthias Rochnia is **GRANTED**.

The application has an international filing date of 12 November 2005 under 35 U.S.C. 363 and will be given a date of **28 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Milan Soukup et al. :
Application No. 12/091,795 : DECISION ON PETITION
Filed: October 21, 2008 : TO WITHDRAW
Attorney Docket No. 016915-0321 : 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 3, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because no forwarding address has been provided. The request to change the correspondence address should include a proper power of attorney or the address of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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JAN 19 2010

In re Application of :
Milan Soukup et al. :
Application No. 12/091,795 : DECISION ON PETITION
Filed: October 21, 2008 : TO WITHDRAW
Attorney Docket No. 016915-0321 : 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 January 4, 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 Rouget F. Henschel on behalf of all attorneys/agents associated with customer number 22428. All attorneys/agents associated with customer number 22428 have been withdrawn.

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

All future correspondence will be directed to inventor/assignee. 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: Milan Soukup
Efeweg 5
Bottmingen, 4103
Switzerland

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/091,795	10/21/2008	Milan Soukup	016915-0321

CONFIRMATION NO. 5739

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 01/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/04/2010.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/091,828	06/20/2008	Thomas Trieselmann	01-1963	5908

28519 7590 06/17/2010

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD, CT 06877-0368

EXAMINER	
MORRIS, PATRICIA L	
ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
06/17/2010	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.e-Office.rdg@boehringer-ingelheim.com

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JUN 17 2010

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD CT 06877-0368

In re Application of: TRIESELMANN et al.
Serial No: 12/091,828
Filed: April 28, 2008
Attorney Docket No: 01-1963
Title: **NOVEL BETA-AGONISTS, METHOD FOR PRODUCING THEM AND THEIR USE AS DRUGS**

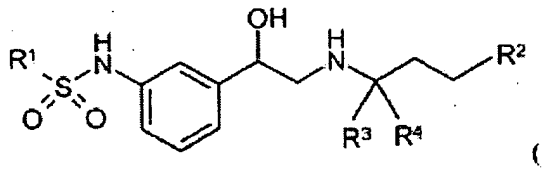
DECISION ON PETITION

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on March 11, 2010.

BACKGROUND

This application was filed under 35 U.S.C. 371 and as such is subject to PCT lack of unity practice.

In the Requirement for Restriction/Election mailed November 9, 2009 the examiner set forth the following holding:



(I).

Group I, the instances wherein R^2 is 3H-imidazo[4,5-b]pyridine.

Group II, the instances wherein R^2 is 1H-imidazol[4,5-c]pyridine.

Group III, the instances wherein R^2 is 1H-imidazo[4,5-b]pyridine.

Group IV, the instances wherein R^2 is 3H-imidazol[4,5-c]pyridine.

Group V, Claim 14, drawn to multiple uses.

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Groups I-IV herein lack unity of invention under PCT Rule 13.1 and 13.2 since the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art. The compounds claimed contain a phenyl which does not define a contribution over the prior art.

Applicants elected with traverse arguing:

The compounds also all share the features of the specifically positioned sulfonamide group on the phenyl, the specifically positioned hydroxy group on the chain, the specifically positioned nitrogen group in the chain, the specifically positioned R3 and R4 branching groups in the chain and the specifically spaced R2 group which is a distinctive imidazopyridine group.

In the Office Action of February 8, 2010 the examiner found applicant's arguments unpersuasive and maintained the holding of lack of unity.

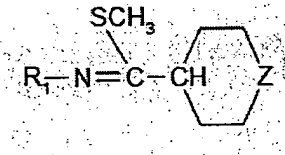
DISCUSSION

It is first noted that claim 1 does not limit R^2 to the four species set forth by the examiner.

Various examples relating to lack of unity are set forth in the PCT INTERNATIONAL SEARCH AND PRELIMINARY GUIDELINES-Chapter 10. Example 19 appears most analogous to the instant fact pattern.

10.39 *Example 19: common structure:*

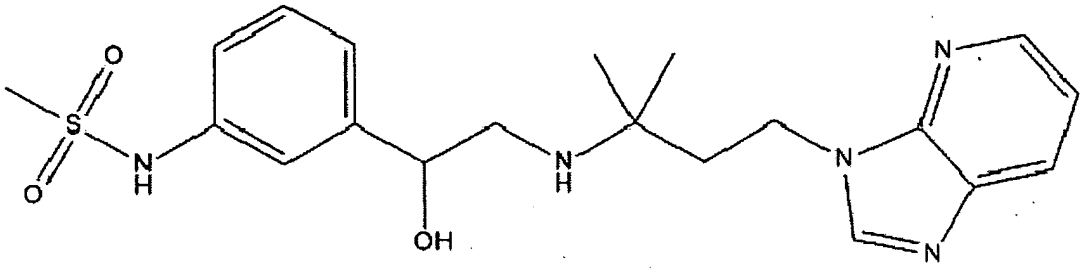
Claim 1: A compound of the formula:



wherein R_1 is selected from the group consisting of phenyl, pyridyl, thiazolyl, triazinyl, alkylthio, alkoxy, and methyl; Z is selected from the group consisting of oxygen (O), sulfur (S), imino (NH), and methylene (-CH2-).

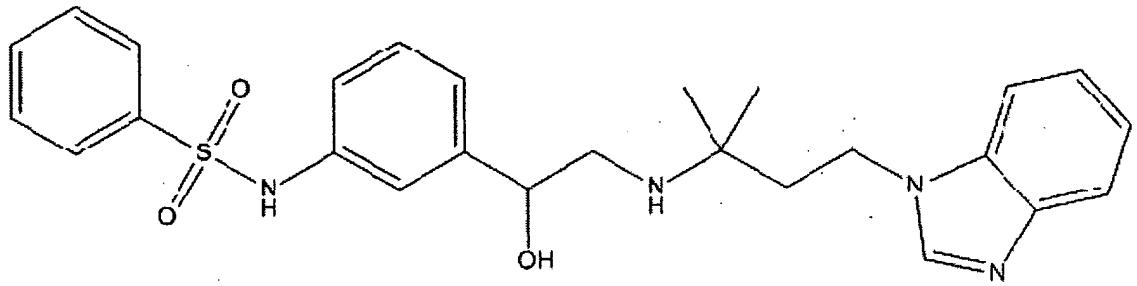
The compounds are alleged to be useful as pharmaceuticals for relieving lower back pain.

In this particular case the iminothioether group -N=C-SCH3 linked to a six atom ring is the significant structural element which is shared by all the alternatives. Thus, since all the claimed compounds are alleged to possess the same use, unity would be present.



The structure above represents what applicant urges to be the common core with the position of the nitrogen in the pyridine ring actually being variable.

Claim 15 of US 20050245526 teaches:



3-{3-[2-(3-benzenesulphonylamino-phenyl)-2-hydroxy-ethylamino]-3-methyl-butyl}-3H-benzimidazole

Claim 1 of US 20050245526 recites many other alternatives in place of the benzimidazole moiety which suggests that the common core in the structure shown above consists of the elements to the left of the benzimidazole moiety.

The examiner's determination of a common core does not reflect the state of the art nor did the examiner set forth a holding of lack of unity which encompassed the scope of the claims. Similarly, applicant's vision of the common core is more narrowly drawn than applicant's claims. Given the teachings of US 20050245526 a reconsideration of the holding of lack of unity is necessitated which reconsideration should encompass the complete scope of the claimed invention.

DECISION

The petition is **GRANTED** for the reasons set forth above.

Should there be any questions about this decision, please contact Quality Assurance Specialist Michael P. Woodward, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-8373 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Irem (Remy) Yucel
Director, Technology Center 1600

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0 3 JUL 2008

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

In re Application of KURN et al.
Application No.: 12/091,843
PCT No.: PCT/US06/35154
Int. Filing: 07 September 2006
Priority Date: 07 September 2005
Attorney Docket No.:25115-713.831
For: IMPROVED NUCLEIC ACID AMPLIFICATION PROCEDURE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 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 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) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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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Palo Alto, CA 94304-1050

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OFFICE OF PETITIONS

In re Application of :
Nurith Kurn et al. :
Application No. 12/091,843 : DECISION ON PETITION
Filed: October 3, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 25115-713.831 : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The instant petition includes a statement by an attorney certifying that the petitioner is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 1635 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

17 OCT 2008

Commissioner for Patents
United States Patent and Trademark Office
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32692
3M INNOVATIVE PROPERTIES COMPANY
P.O. Box 33427
St. Paul, MN 55133-3427

In re Application of :
JING *et al* :
U.S. Application No.: 12/091,855 :
PCT No.: PCT/US2006/033738 :
Int. Filing Date: 29 August 2006 : **DECISION**
Priority Date: 29 August 2005 :
Docket No.: 59745US003 :
For: HIGHLY WATER REPELLENT :
FLUOROPOLYMER COATING :

This decision is in response to the papers filed 24 July 2008 which are treated as a petition under 37 CFR 1.181. No fee is required.

Applicants' petition is **DISMISSED** without prejudice.

Applicants claim that the $130.00 surcharge fee is not required as a declaration was originally submitted upon initial filing of the subject application on 28 April 2008. Applicants argue that the "Declaration and Power of Attorney form is listed on the Acknowledgement Receipt as filed.

A review of the USPTO EFS-Web filing shows that applicants submitted a four-page document and recorded as "Dec and Power." However, the document is actually a duplicate of the four-page Assignment of Application signed by both inventors. Therefore, the $130.00 surcharge fee is still required and has been charged to Deposit Account No. 13-3723 as authorized.

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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AUG 11 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
JUNG, YANG-WON, et al.
Application No. 12/091,921
Filed: June 25, 2008
Attorney Docket No.: **24622-0143US1**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 10, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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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United States Patent and Trademark Office
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DEC 17 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of
LEE, YOUNG-DAE, et al.
Application No. 12/092,056
Filed: April 29, 2008
Attorney Docket No. 2101-3464

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 15, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to 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

11 FEB 2009

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JOHN ALEXANDER GALBREATH
2516 CHESTNUT WOODS CT
REISTERSTOWN, MD 21136

In re Application of HENLEY	:	
U.S. Application No.: 12/092,078	:	
PCT Application No.: PCT/NZ2007/000198	:	
Int. Filing Date: 30 July 2007	:	DECISION
Priority Date Claimed: 02 August 2006	:	
Attorney Docket No.: H043008	:	
For: REMOTE CONTROLLED MOBILE PLATFORM	:	

This is in response to the request for refund filed on 08 January 2009.

BACKGROUND

On 30 July 2007, applicant filed international application PCT/NZ2007/000198, which claimed priority of an earlier New Zealand application filed 02 August 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 February 2008. The thirty-month period for paying the basic national fee in the United States expires on 02 February 2009.

On 30 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 January 2009, applicant filed the present request for refund under 37 CFR 1.26.

DISCUSSION

The request for refund states that applicant was overcharged for additional claims fees.

MPEP 1893.01(c) states in relevant part,

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate 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).

In the present case, the initial national stage submission included a preliminary amendment of the claims. Therefore, the amended claims must be taken into account when calculating any claims fees under 37 CFR 1.492(d)-(f).

A review of the amended claims filed on 30 April 2008 reveals the presence of one independent claim and sixty-five dependent claims. Of the sixty-five dependent claims, claim numbers 13 and 14 are multiple dependent claims. Additionally, claim numbers 15-24, 34, 36-39, 51-58, and 61-66 depend from multiple dependent claims.

37 CFR 1.75(c) states in relevant part,

> For fee calculation purposes under § 1.16, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein. For fee calculation purposes also, any claim depending from a multiple dependent claim will be considered to be that number of claims to which direct reference is made in that multiple dependent claim. (Emphasis added.)

Because multiple dependent claim numbers 13 and 14 each make direct reference to two claims, claim numbers 13 and 14 each are considered to be two claims for fee calculation purposes. Furthermore, because claim numbers 15-24, 34, 36-39, 51-58, and 61-66 each depend from a multiple dependent claim which makes direct reference to two claims, claim numbers 15-24, 34, 36-39, 51-58, and 61-66 each are considered to be two claims for fee calculation purposes in accordance with 37 CFR 1.75(c). Therefore, for fee calculations purposes, there are considered to be ninety-seven claims (i.e. one independent claim, thirty-four single dependent claims, two multiple dependent claims which make direct reference to two claims, and twenty-nine claims which depend from a multiple dependent claim which makes direct reference to two claims).

Accordingly, a fee of $1925.00 (i.e. $25.00 x seventy-seven claims in excess of twenty) is applicable under 37 CFR 1.492(e), and a fee of $185.00 for the presence of at least one multiple dependent claim is applicable under 37 CFR 1.492(f). The fee records for the present application indicate that applicant has paid $1850.00 under 37 CFR 1.492(e) and $185.00 under 37 CFR 1.492(f). Thus, the deficiency of $75.00 will be charged to Deposit Account No. 50-4432, and a refund of fees is not indicated in the present case.

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.

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

2 4 SEP 2008
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Gudrun E. Huckett
Gudrun E. Huckett Draudt
Schubertstr. 15A
42289 Wuppertal, Germany

In re Application of:	:	
Klaus Krengel et al.	:	DECISION
Application No.: 12/092,079	:	
PCT Application No.: PCT/EP06/09595	:	ON PETITION
Int. Filing Date: 04 October 2006	:	
Priority Date: 07 October 2005	:	UNDER
Atty Docket No.: 08 055	:	
For: METHOD AND DEVICE FOR WORKING THE EDGES OF SPECTACLE LENSES	:	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 30 April 2008 is **GRANTED**.

BACKGROUND

On 04 October 2006, applicants filed international application PCT/EP06/09595. The international application claims a priority date of 07 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 07 April 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 07 April 2008.

On 30 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, a 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 04 October 2006 under 35 U.S.C. 363 and a date of 30 April 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

25 NOV 2008

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

In re Application of	:	
LANG, Mikael Carl, et al.	:	
Application No.: 12/092,090	:	DECISION
PCT No.: PCT/GB2006/003625	:	
Int. Filing Date: 29 September 2006	:	ON PETITION UNDER
Priority Date: 31 October 2005	:	
Docket No.: 323116US8X PCT	:	37 CFR 1.47(a)
For: IMAGE PROCESSING	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 07 October 2008.

BACKGROUND

On 13 August 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 October 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) have been met. The $200 petition fee has been paid. Applicant states the last known address of Mr. Mikael Carl Lang as 43B The Avenue; Surbiton; Surrey KT5 8JW; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants must establish that the inventor has refused to sign the oath or declaration after presentation with a complete copy of the application papers. Sandra Gunner states only that she forwarded a copy of the declaration and assignment to the inventor. A refusal to sign the declaration in the absence of presentation with a complete copy of the application papers is not normally sufficient. Documentary evidence of presentation with a complete copy of the application papers should be furnished.

CONCLUSION

For the above reasons, applicant's 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. 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 via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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8 JUN 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	:	
LANG, Mikael Carl, et al.	:	
Application No.: 12/092,090	:	DECISION
PCT No.: PCT/GB2006/003625	:	
Int. Filing Date: 29 September 2006	:	ON PETITION UNDER
Priority Date: 31 October 2005	:	
Docket No.: 323116US8X PCT	:	37 CFR 1.47(a)
For: IMAGE PROCESSING	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 January 2009.

BACKGROUND

On 25 November 2008, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 26 January 2009, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) were previously satisfied. The $200 petition fee has been paid. Applicant states the last known address of Mr. Mikael Carl Lang as 43B The Avenue; Surbiton; Surrey KT5 8JW; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has now been satisfied.

CONCLUSION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **07 October 2008**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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8 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mikael Carl Lang
43B The Avenue
Surbiton Surrey KT5 8JW
United Kingdom

In re Application of
LANG, Mikael Carl, et al.
Application No.: 12/092,090
PCT No.: PCT/GB2006/003625
Int. Filing Date: 29 September 2006
Priority Date: 31 October 2005
Docket No.: 323116US8X PCT
For: IMAGE PROCESSING

Dear Mr. Lang:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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UNITED STATES PATENT AND TRADEMARK OFFICE

15 AUG 2008

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1940 Duke Street
Alexandria, VA 22314

In re Application of
AKSAY et al.
Application No.: 12/092,152
PCT No.: PCT/US06/42468
Int. Filing Date: 31 October 2006
Priority Date: 31 October 2005
Attorney Docket No.:324913US23PCT
For: ELECTROHYDRODYNAMIC PRINTING AND MANUFACTURING

DECISION ON PETITION

This decision is issued in response to the declaration submitted on 30 April 2008 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 31 October 2006, applicants filed international application PCT/US06/42468, which claimed a priority date of 31 October 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, 01 May 2008.

On 30 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 application data sheet; a copy of the international application; and a declaration executed by four joint-inventors and Joy Wagner Saville on behalf of deceased inventor Dudley A. Saville.

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 30 April 2008 was executed by Joy Wagner Saville as "legal representative " to the deceased inventor, Dudley A. Saville. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

In addition, it is noted that revised 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497). Here, the declaration filed on 30 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 1.497(b)(2).

CONCLUSION

The submission under 37 CFR 1.42 is **REFUSED**.

Applicants have **TWO (2) MONTHS** from the mailing date of this Decision to submit a proper response under 37 CFR 1.42. Failure to provide a proper and timely response will result in abandonment. A proper response must include an acceptable declaration executed by either the legal representative (executor) of the deceased inventor or, if no legal representative has been appointed, all of the deceased inventor's heirs. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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2 0 OCT 2008

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Oblon, Spivak, Mcclelland Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of
AKSAY et al. :
Application No.: 12/092,152 :
PCT No.: PCT/US06/42468 : DECISION ON PETITION
Int. Filing Date: 31 October 2006 :
Priority Date: 31 October 2005 :
Attorney Docket No.: 324913US23PCT :
For: ELECTROHYDRODYNAMIC PRINTING AND MANUFACTURING :

In a communication mailed by this Office on 15 August 2008, the declaration filed by applicant on behalf of deceased inventor Dudley Saville was dismissed for failure to include all the information required under 37 CFR 1.497. (The declaration did not include the citizenship of the deceased inventor.)

On 08 September 2008, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 08 September 2008 identifies the deceased inventor and states the deceased inventor's country of citizenship. Additionally, the declaration is signed by Joy Wagner Saville as "Legal Representative," states his/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.

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17 JUL 2009

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64779
CARLSON GASKEY & OLDS
400 W. Maple Ste. 350
Birmingham, MI 48009

In re Application of
PENG *et al*
U.S. Application No.: 12/092,155
PCT No.: PCT/US2006/035495
Int. Filing Date: 12 September 2006
Priority Date: 16 November 2005
Attorney's Docket No.: 60469-277PUS1; 0000604US
For: DOOR ASSEMBLY INCLUDING A TOUCH SENSITIVE PORTION FOR CONTROLLING AUTOMATED DOOR MOVEMENT

DECISION

This is a decision on the response filed on 05 September 2008 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 30 April 2008, applicants filed papers to enter the national stage of PCT/US2006/035495 which was accompanied by, *inter alia*, a three-page declaration.

On 11 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the current declaration was not in compliance with 37 CFR 1.497(a) and (b) as a complete declaration for each inventor was required pursuant to § 201.03(II)(B) of the MPEP. A two-month time period for response was set with extensions of time available.

On 05 September 2008, applicant filed the subject response.

DISCUSSION

Applicants' claim that the declaration submitted on 30 April 2008 was in compliance with 37 CFR 1.497(a) and (b). Applicants argue that § 201.03(II)(B) of the MPEP is not applicable as there is no correction of inventors. Applicants also claim that a complete copy of each declaration signed by each inventor is not required as "it is not necessary to submit duplicate copies of all the pages of the declaration."

Applicants are correct that § 201.03(II)(B) of the MPEP does not apply as it is for situations where the inventorship is being corrected. As such, the Form

12/092,155

PCT/DO/EO/905 mailed 11 August 2008 contained erroneous information and is hereby **VACATED**.

However, applicants are incorrect in stating that a complete copy of the declaration presented to each inventor is not required. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy presented to each inventor must be returned to the Office. *See* MPEP § 605.04(a).

Further, the declaration contains noninitialed, changes recorded on the citizenship of co-inventor, Pei-Yuan Peng. Any changes made in ink should be initialed and dated prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See also* § 605.04(a) MPEP.

Therefore, the declaration filed 30 April 2008 is not in compliance with 37 CFR 1.497(a) & (b).

DECISION

Applicants' request that the declaration be accepted pursuant to 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** to submit a new declaration in compliance with 37 CFR 1.497(a) and (b). Extensions of time under 37 CFR 1.136(a) is available.

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

James Thomson
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Tel.: (571) 272-3302

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www.uspto.gov

CST

OCT 6 2008

In re application of	:	DECISION ON REQUEST TO
Takashi Morimoto et al	:	PARTICIPATE IN PATENT
Serial No. 12/092,158	:	PROSECUTION HIGHWAY
Filed: April 30, 2008	:	PROGRAM AND
For: SOLID POLYMER	:	PETITION TO MAKE SPECIAL
ELECTROLYTIC FUEL CELL	:	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 filed August 19, 2008.

The request and petition are **GRANTED**.

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

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

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

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

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

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

1 2 MAY 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	:	
Lang et al.	:	
Application No.: 12/092,206	:	DECISION
PCT No.: PCT/GB2006/004028	:	
Int. Filing Date: 27 October 2006	:	ON
Priority Date: 31 October 2005	:	
Attorney Docket No.: 323140US8X PCT	:	PETITION
For: Image Processing	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 02 October 2008.

BACKGROUND

This international application was filed on 27 October 2006, claimed an earlier priority date of 31 October 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 30 April 2008. Applicants filed *inter alia* the basic national fee on 30 April 2008.

On 05 August 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) and additional claims fees.

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 Under 37 C.F.R. § 1.132" signed by Sandra Gunner. Ms. Gunner presents documentary evidence which tends to show that Mr. Lang has refused to execute the application associated with reference no. I-05-045 (which is identified with PCT/GB2006/004028, e.g., in an email sent on 08 April 2008). However, petitioner has not adequately demonstrated that Mr. Lang was presented with a complete copy of the application papers prior to the alleged refusal. *See* MPEP 409.03(d). Therefore, it would not be appropriate to conclude, on the basis of the present record, that requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition indicates the last known address of the non-signing joint inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 02 October 2008 reveals that it nominates "Mikael Carl Land" in place of "LANG, Mikael, Carl" named in the published international application. Petitioner has not adequately explained this discrepancy. *See* MPEP 605.04(b) and (c). In view of this discrepancy, it would be inappropriate 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
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19 NOV 2009

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

In re Application of	:	
Lang et al.	:	
Application No.: 12/092,206	:	DECISION
PCT No.: PCT/GB2006/004028	:	
Int. Filing Date: 27 October 2006	:	ON
Priority Date: 31 October 2005	:	
Attorney Docket No.: 323140US8X PCT	:	PETITION
For: Image Processing	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 28 September 2009.

DISCUSSION

In a Decision mailed on 12 May 2009, the petition under 37 CFR 1.47(a) filed on 02 October 2008 was dismissed, without prejudice, because

> Regarding requirement (2), petitioner has provided a "Declaration Under 37 C.F.R. § 1.132" signed by Sandra Gunner. Ms. Gunner presents documentary evidence which tends to show that Mr. Lang has refused to execute the application associated with reference no. I-05-045 (which is identified with PCT/GB2006/004028, e.g., in an email sent on 08 April 2008). However, petitioner has not adequately demonstrated that Mr. Lang was presented with a complete copy of the application papers prior to the alleged refusal. *See* MPEP 409.03(d). Therefore, it would not be appropriate to conclude, on the basis of the present record, that requirement (2) has been satisfied.
>
> Regarding requirement (4), inspection of the declaration of inventorship filed on 02 October 2008 reveals that it nominates "Mikael Carl Land" in place of "LANG, Mikael, Carl" named in the published international application. Petitioner has not adequately explained this discrepancy. *See* MPEP 605.04(b) and (c). In view of this discrepancy, it would be inappropriate to accept the declaration at this time.

In response, with respect to requirement (2), petitioner has provided a "Declaration..." signed by Sandra Gunner, who describes her efforts to transmit a copy of the application papers to Mr. Lang and receive confirmation from him that he received them. Ms. Gunner provides copies of relevant email correspondence. These copies tend to show that she attached not only a copy of the application, but also a copy of the declaration, though she does not emphasize that the declaration was attached. However, it appears that the copy of her email sent on 05 June 2009 at 11:52 is incomplete; a partial sentence ends at the bottom of the page, but the rest of the sentence is not provided elsewhere. Since it appears that the remainder of the sentence would be probative as to what Ms. Gunner told Mr. Lang she was transmitting to him, and what instructions or comments she may have included, it would be appropriate for petitioner to provide a complete copy of this particular email.

With respect to requirement (4), petitioner indicates that the discrepancy between the name of inventor "LANG" vs. "Land" arose as a result of a mere typographical error. In view of the policy described at MPEP 1893.01(e) and 605.04(b), it would be appropriate to accept the declaration for purposes of compliance with 37 CFR 1.47(a) and 37 CFR 1.497(a) and (b). Accordingly, requirement (4) now has been satisfied.

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**.

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

- 1 MAR 2010

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

In re Application of	:	
Lang et al.	:	
Application No.: 12/092,206	:	DECISION
PCT No.: PCT/GB2006/004028	:	
Int. Filing Date: 27 October 2006	:	ON
Priority Date: 31 October 2005	:	
Attorney Docket No.: 323140US8X PCT	:	PETITION
For: Image Processing	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 19 January 2010.

DISCUSSION

In a Decision mailed on 19 November 2009, the renewed petition under 37 CFR 1.47(a) filed on 28 September 2009 was dismissed, without prejudice, because

> it appears that the copy of her email sent on 05 June 2009 at 11:52 is incomplete; a partial sentence ends at the bottom of the page, but the rest of the sentence is not provided elsewhere. Since it appears that the remainder of the sentence would be probative as to what Ms. Gunner told Mr. Lang she was transmitting to him, and what instructions or comments she may have included, it would be appropriate for petitioner to provide a complete copy of this particular email.

In response, petitioner has clarified that the apparently missing text in question has been made of record, and supports this position by presenting a statement signed by Sandra Gunner. In view of the totality of the evidence now of record, it would be appropriate to conclude that all of the requirements for relief under 37 CFR 1.47(a) have been satisfied.

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 **02 October 2008**.

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

- 1 MAR 2010

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Mikael Carl Lang
43B The Avenue
Surbiton
Surrey KT5 8JW
UNITED KINGDOM

In re Application of
Lang et al.
Application No.: 12/092,206
PCT No.: PCT/GB2006/004028
Int. Filing Date: 27 October 2006
Priority Date: 31 October 2005
Attorney Docket No.: 323140US8X PCT
For: Image Processing

Dear Mr. Lang:

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

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, 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 (Mikael Carl LANG) 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/GB2006/004028 and was filed on October 27, 2006 in the names of Mikael Carl LANG and Robert Mark Stefan PORTER for the invention entitled IMAGE PROCESSING. The national stage application number is 12/092,206 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of October 2, 2008.

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McDERMOTT WILL & EMERY, LLP
600 13th Street, N.W.
Washington, DC 20005-3096

JUL 2 1 2008

In re Application of
Atsushi FUKUNGA, et al.
Application No. 12/092212
Filed: April 30, 2008
Attorney Docket No. 043888-0653

: 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) and the preliminary amendment, filed July 11, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

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

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

22 JAN 2010

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27476
NOVARTIS VACCINES AND DIAGNOSTICS INC.
Intellectual Property R338
P.O. Box 8097
Emeryville, CA 94662-8097

In re Application of :
VAJDY *et al* :
U.S. Application No.: 12/092,225 :
PCT No.: PCT/GB2006/004132 :
Int. Filing Date: 06 November 2006 : **DECISION**
Priority Date: 04 November 2005 :
Attorney's Docket No.: PP028182.0003 :
For: ADMINISTRATION ROUTES FOR :
PRIMING/BOOSTING WITH :
INFLUENZA VACCINES :

This is a decision on the request to add an inventor under 37 C.F.R. 1.497(d) filed on 12 November 2009.

BACKGROUND

On 11 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 09 September 2008, applicants submitted a response which included a $130.00 surcharge fee and a declaration executed by one inventor.

On 27 May 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the current declaration was not in compliance with 37 CFR 1.497(a) and (b) because the inventors listed did not match the inventors recorded on the international publication. The second inventor was missing. Applicants were given one month to respond, or any remaining in the Form PCT/DO/EO/905.

On 29 June 2009, applicants submitted another declaration listing two inventors and executed by the second named inventor.

On 14 October 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the current declaration was not in compliance with 37 CFR 1.497(a) and (b) because the first declaration filed 09 September 2008 did not list both inventors. Applicants were given one month.

On 12 November 2009, applicants filed a response which was accompanied by, *inter alia*, a petition under 37 CFR 1.497(d); a declaration executed by three inventors; the $130.00 processing fee; a statement by the inventor being added; and a consent by assignee for the change of inventorship.

DISCUSSION

Applicants request to add Giuseppe DEL GIUDICE as the inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed a statement by the inventor being added that the error in inventorship occurred without any deceptive intent. The processing fee of $130.00 has been paid. A consent of assignee signed by Helen Lee as the Assistant Secretary of the assignee, Novartis Vaccines and Diagnostics Inc. was submitted. The position of Assistant Secretary is presumed to have the authority to sign for a corporation. *See* MPEP § 324. The reel and frame number of the assignment and a copy of the assignment were provided.

All the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to add Giuseppe DEL GIUDICE as an inventor is **GRANTED**.

The declaration filed with the subject petition on 12 November 2009 is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 November 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 12 November 2009.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

COPY MAILED
JAN 25 2010

Applicants: Kenichi Higuchi, et al.
Appl. No.: 12/092,229
International Filing Date: October 31, 2006
Title: Transmission and Reception Bandwidth Setting Method, Mobile Terminal and Base Station in Radio Communication System Defining a Plurality Signal Bandwidths
Attorney Docket: 17401/047001
Pub. No.: US 2009/0149129 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 29, 2009, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains an error wherein the PCT data and PCT filing date "PCT No.: PCT/JP2006/322209 filed October 31, 2006" was erroneously removed in its entirety from the front page of the publication; and request the title be corrected wherein the word "DEFINING" should be changed to "THAT DEFINES".

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 identifies a material Office mistake in the failure print an International Application (IA) filing date on the front page of the publication. It is noted that the ADS submitted with the EFS-Web submission for republication states that the IA filing date is October 31, 2005, not October 31, 2006 as stated in the request for a corrected publication,

[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).

which is the same IA filing date listed on the ADS received with the initial filing of the application. The application will be published with the current IA filing date (October 31, 2006).

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the title. The application was published with the title provided on the Application Data Sheet (ADS). [2] The ADS received on April 30, 2008 and December 5, 2008 both list the title of the invention as Transmission and Reception Bandwidth Setting Method, Mobile Terminal and Base Station in Radio Communication System Defining a Plurality Signal Bandwidths.

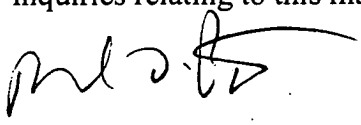
Furthermore an error in the title is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On September 15, 2008 and December 12, 2008, Filing Receipts were mail by the Office, which listed the title. 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.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication,** as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the application papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The 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

Enclosures: pages 1 and 3 of the ADS submitted with the request for republication

[2] See 37 CFR 1.76(b) and MPEP 601.

PTO/SB/14 (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	17401/047001
	Application Number	
Title of Invention	TRANSMISSION AND RECEPTION BANDWIDTH SETTING METHOD, MOBILE TERMINAL, AND BASE STATION IN RADIO COMMUNICATION SYSTEM DEFINING A PLURALITY OF SIGNAL BANDWIDTHS	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Kenichi		Higuchi	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

City	Yokohama-shi	Country Of Residence[i]	

Citizenship under 37 CFR 1.41(b) [i] JP

Mailing Address of Applicant:

Address 1	c/o Intellectual Property Dept., NTT DoCoMo, Inc.
Address 2	Sanno Park Tower, 11-1, Nagatacho 2-chome

City	Chiyoda-ku, Tokyo	State/Province	
Postal Code	100-6150	Country[i]	JP

Applicant 2

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Hiroyuki		Atarashi	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

City	Yokohama-shi	Country Of Residence[i]	

Citizenship under 37 CFR 1.41(b) [i] JP

Mailing Address of Applicant:

Address 1	c/o NTT DoCoMo, Inc.
Address 2	c/o Intellectual Prop. Dept., NTT DoCoMo, Inc.

City	Chiyoda-ku, Tokyo	State/Province	
Postal Code	100-6150	Country[i]	JP

Applicant 3

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Mamoru		Sawahashi	

Residence Information (Select One) ○ US Residency ◉ Non US Residency ○ Active US Military Service

City	Yokohama-shi	Country Of Residence[i]	

PTO/SB/14 (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	17401/047001
	Application Number	
Title of Invention	TRANSMISSION AND RECEPTION BANDWIDTH SETTING METHOD, MOBILE TERMINAL, AND BASE STATION IN RADIO COMMUNICATION SYSTEM DEFINING A PLURALITY OF SIGNAL BANDWIDTHS	

Please Select One:	(•) Customer Number	( ) US Patent Practitioner	( ) Limited Recognition (37 CFR 11.9)
Customer Number	22511		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	a 371 of international	PCTJP2006322209	2005-10-31

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country [i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
2005-317572	JP	2005-10-31	( ) Yes ( ) No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. [X]

Organization Name	NTT DoCoMo, Inc.		
Mailing Address Information:			
Address 1	Sanno Park Tower		
Address 2	11-1, Nagatacho 2-chome, Chiyoda-ku		
City	Tokyo	**State/Province**	
Country [i]	JP	Postal Code	100-6150
Phone Number	011 81 3 5424 2511	Fax Number	011 81 3 5424 2527
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button.

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VIKSNINS HARRIS & PADYS PLLP
P.O. BOX 111098
ST. PAUL MN 55111-1098

In re Application of	:	
AICHER et al.	:	
Application No.: 12/092,233	:	DECISION ON
PCT No.: PCT/US06/41251	:	
Int. Filing Date: 24 October 2006	:	DECLARATION
Priority Date: 01 November 2005	:	
Attorney Docket No.: 02020.003US1	:	
For: GLUCOKINASE ACTIVATORS	:	

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 02 September 2008 in the above referenced application.

BACKGROUND

On 08 July 2008, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 02 September 2008, applicant submitted a response to the Notification including two complete declarations, each executed by some of the joint inventors, in compliance with 37 CFR 1.497(a) and (b). The declaration identifies Yi-wen Yeh as executrix of deceased inventor Wai-man Lee and is signed by the executrix.

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 must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration identifies Yi-wen Yeh as the executrix of the estate of deceased inventor Wai-man Lee. However, the declaration is defective because the declaration must state the relationship to the deceased inventor and state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative, to meet the requirements of 37 CFR 1.497(a) and (b).

What is required is a declaration, which identifies all inventors, and is executed by Yi-Wen Yeh. The declaration must identify her as executrix for the estate of deceased inventor Wai-man Lee and provide the executrix's citizenship, residency and mailing address as well as identify the deceased inventor, providing his citizenship, former residency and mailing address on the declaration. Any person acting as a legal representative of a deceased or incapacitated inventor should ensure that he is properly acting in such capacity.

Accordingly, it is inappropriate, 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 **DISMISSED WITHOUT PREJUDICE.**

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
Office of PCT Legal Administration

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

1 2 MAY 2009

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ST. PAUL MN 55111-1098

In re Application of	:	
AICHER et al.	:	
Application No.: 12/092,233	:	DECISION ON
PCT No.: PCT/US06/41251	:	
Int. Filing Date: 24 October 2006	:	DECLARATION
Priority Date: 01 November 2005	:	
Attorney Docket No.: 02020.003US1	:	
For: GLUCOKINASE ACTIVATORS	:	

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 09 January 2009 in the above referenced application. Applicant requests a one month extension of time, which is granted.

BACKGROUND

On 08 July 2008, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 02 September 2008, applicant submitted a response to the Notification including two complete declarations, each executed by some of the joint inventors, in compliance with 37 CFR 1.497(a) and (b). The declaration identifies Yi-wen Yeh as executrix of deceased inventor Wai-man Lee and is signed by the executrix.

On 04 November 2008, a decision was mailed indicating that the declaration was defective because the declaration must state the relationship to the deceased inventor and state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative, to meet the requirements of 37 CFR 1.497(a) and (b).

On 07 January 2009, applicant filed the instant response to the decision along with a newly executed declaration.

DISCUSSION

The declaration submitted on 07 January 2009 identifies Yi-wen Yeh as the executrix of the estate of deceased inventor Wai-man Lee and states the relationship to the deceased inventor and state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative and for all inventors. The declaration meets the requirements of 37 CFR 1.497(a) and (b).

Accordingly, it is appropriate 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 Wai-man Lee submitted on 07 January 2009 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 07 January 2009.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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CHRISTOPHER C. POHLE
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UNIT 214
SAN DIEGO CA 92111

MAY 23 2008

In re Application of: DAVIES et al. Serial No.: 12/092261 Filed: April 30, 2008 Title: A LIQUID BRIDGE AND SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 30, 2008 and supplemented on May 8, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application contains more than twenty total claims.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. Notably, special status based upon categories such as biotechnology are no longer available. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review.

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

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

24 OCT 2008

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CHICAGO, IL 60606

In re Application of	:	
Zimmermann et al	:	
Application No.: 12/092,291	:	
PCT No.: PCT/EP2006/010705	:	
Int. Filing Date: 08 November 2006	:	DECISION
Priority Date: 08 November 2005	:	
Attorney's Docket No.: 31418/43954	:	
For: Multiloop Engineered Heart Muscle Tissue	:	

This is in response to petitioner's "PETITION UNDER 37 CFR 1.28(c)," filed on 04 August 2008 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 as a small entity status and is deficient by 1280.00.

Accordingly, petitioner will be charged $1280.00 under 37 CFR 1.28 to the Deposit Account No.: 13-2855.

CONCLUSION

For reasons above, the petition is **GRANTED**.

The required fee of $1280.00 has been charged to Deposit Account No.: 13-2855 as authorized in the petition submitted on 04 August 2008.

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17 JUL 2009

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CHICAGO IL 60606-6357

In re Application of	:	DECISION ON
Eric Muljono	:	
Application No: 12/092,291	:	
PCT No.: PCT/US2006/04287	:	
Int. Filing Date: 02 November 2006	:	PETITION UNDER
Priority Date: 03 November 2005	:	
Attorney's Docket No.: 263342	:	
For: CONVEYING PARTY DATA	:	37 CFR 1.47(b)

This is in response to the "PETITION PURSUANT TO 37 CFR 1.47(b)" filed on 17 February 2009.

BACKGROUND

On 02 November 2006, applicants filed international application PCT/US2006/04287, which claimed priority of an earlier application filed 03 November 2005.

On 01 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). 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." 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(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1), (3), and (6) but not item (2), (4), and (5) thus not completing the requirements under 37 CFR 1.47(b).

Regarding item (1), petitioner has been charged the fee of $200.00 under 37 CFR 1.17(g) to Deposit Account No.: 12-1216.

Regarding item (2), the averments of Mr. Bays are not sufficient to support a finding that the nonsigning inventor, Mr. Muljono refuses. Although it appears that there was a *bona fide* attempt to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for his signature since it was sent to him on September 8, 2008, and the Declaration was never returned, Mr. Bays has not provided any evidentiary proof of receipt of the package. Mr. Bay has not provided a signed postal receipt and the cover letter addressed to Mr. Muljuno instructing him what to do, or some other evidentiary proof.

Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, Mr. Muljono, item (2) cannot be considered satisfied.

If Mr. Muljono does not reside in that address any longer, then petitioner is under an obligation to try to find or reach Mr. Muljono. 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**. Petition will have to search for the above non-signing inventor new residential address either by the internet or telephone directories, which would show diligent effort to find inventor Mr. Muljono.

Also, it is unclear if Mr. Bays has first hand knowledge of the above facts with regard to the nonsigning inventor, if he doesn't then petitioner needs to submit statements, with specific facts on the actions referred above to the presentation of the application papers and the numerous attempts to contact the nonsigning inventor by persons who have first-hand knowledge of such facts.

Regarding item (3), applicant has stated the last known address of the inventor:

Eric Muljono
3 Silvestri Circle, #22
Derry, New Hampshire 03038

Regarding item (4) a declaration has not been provided executed by an appropriate person on behalf of the non-signing sole inventor, Mr. Muljono.

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in application 12/092,291. The assignment provided refers to the provisional application 60/733,289 and not application 12/092,291. If an application claiming the earlier filing date of a provisional application includes subject matter that is not common with subject matter of the provisional application, new assignment papers must be submitted in the later application, similar to the practice with respect to continuation-in-part filed under 35 U.S.C. 120. See MPEP §306.

If the application has been assigned, a copy of the assignment must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

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

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

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) 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(b)."

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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19 NOV 2009

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In re Application of	:	DECISION ON
Eric Muljono	:	
Application No: 12/092,291	:	
PCT No.: PCT/US2006/04287	:	
Int. Filing Date: 02 November 2006	:	PETITION UNDER
Priority Date: 03 November 2005	:	
Attorney's Docket No.: 263342	:	
For: CONVEYING PARTY DATA	:	37 CFR 1.47(b)

This is in response to the "RENEWED PETITION PURSUANT TO 37 CFR 1.47(b) AND SUPPLEMENTAL SUBMISSION OF ITEMS" filed on 17 September 2009.

BACKGROUND

In a decision from this Office on 17 July 2009, the petition filed under 37 CFR 1.47(b) on 17 February 2009 was dismissed. The decision indicated that items (2), (4), and (5) were not met.

On 17 September 2009, applicant submitted a "Renewed Petition Pursuant 37 CFR 1.47(b)," which includes, inter alia, an executed declaration signed by Michel Thenin, a search conducted on Google, an affidavit by Michel Thenin, and a declaration of facts by Peter Philips.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has now satisfied items (1), (3) - (6) but not item (2) thus not completing the requirements under 37 CFR 1.47(b).

Regarding item (2), the averments of Peter Phillips are not sufficient to show that Mr. Muljono could not be reached after diligent effort since petitioner limited the search to a Google search and a Frendster Home page and did not include an internet telephone directory search in New Hampshire (since this is the last state he resided in) and the more popular website Facebook. Also, petitioner has not stated whether co-workers and the employer (human resources) were contacted to find out if Mr. Muljono left a forwarding address.

Accordingly, at this time it can not be concluded that the nonsigning Mr. Muljono could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Regarding item (4) an executed declaration has been provided executed by Michel Thenin behalf of the non-signing sole inventor, Mr. Muljono.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in aforementioned application. This has been shown by the Confidentiality and Non-Competition Agreement executed by Mr. Buljono and the affidavit by Mr. Thenin.

If the application has been assigned, a copy of the assignment must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) 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(b)."

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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06 APR 2010

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In re Application of	:	DECISION ON RENEWED
Eric Muljono	:	
Application No: 12/092,291	:	
PCT No.: PCT/US2006/042879	:	
Int. Filing Date: 02 November 2006	:	PETITION UNDER
Priority Date: 03 November 2005	:	
Attorney's Docket No.: 263342	:	
For: ELECTROSTATIC SPRAY ASSEMBLY	:	37 CFR 1.47(b)

This decision is in response to applicant's "RENEWED PETITION PURSUANT TO 37 CFR 1.47(b) AND SUPPLEMENTAL SUBMISSION OF ITEMS" filed on 19 January 2010 that seeks the acceptance of the application without the signature of the sole inventor Eric Budi Muljono.

BACKGROUND

In a decision from this Office on 19 November 2009, the petition filed under 37 CFR 1.47(b) on 17 September 2009 was dismissed. The decision indicated that item (2) was not met.

On 19 January 2010, petitioner submitted a "Renewed Petition Pursuant 37 CFR 1.47(b)" requesting reconsideration of the decision of 19 November 2009, which is accompanied with supplemental submissions and declarations by Peter Phillips, Jim Yehling and John Leone.

DISCUSSION

Petitioner has now satisfied item (2) of 37 CFR 1.47(b), thus completing the items under 37 CFR 1.47(b).

Regarding item (2), the statement of Peter Phillips is sufficient to show diligent effort to locate non-signing inventor Mr. Muljono because internet searches were conducted on Facebook and PeopleLookup.com but were unsuccessful in terms of discovering any new relevant address information about the non-signing inventor. In addition, statements from Mr. Yehling and Mr. Leone show no further information about Mr. Muljono's new address as human resources and a co-worker have no additional information on Mr. Muljono.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

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

As provided in 37 CFR 1.47(b), 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(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **17 September 2009.**

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Eric Budi Muljono
3 Silvestri Circle, #22
Derry, New Hampshire 03038

In re Application of
Eric Muljono
Application No: 12/092,291
PCT No.: PCT/US2006/042879
Int. Filing Date: 02 November 2006
Priority Date: 03 November 2005
Attorney's Docket No.: 263342
For: ELECTROSTATIC SPRAY ASSEMBLY

Dear Mr. Muljono:

Your husband is 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. 118. Should a patent be granted, he will be designated as an inventor.

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

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13 AUG 2008

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Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, New York 10510

In re Application of :
LUCERO-VERA et al. :
U.S. Application No. 12/092,292 :
PCT No.: PCT/IB06/51684 :
Int. Filing Date: 26 May 2006 :
Priority Date: 01 June 2005 : DECISION ON PETITION
Attorney Docket No.: 001258US2 :
For: SUNNY-CLOUDY SCALE FOR SETTING COLOR TEMPERATURE OF WHITE LIGHTS :

The petition to revive under 37 CFR 1.137(b) filed 01 May 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

Deposit Account No. 14-1270 will be charged the $1540 petition fee under 37 CFR 1.17(m).

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

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10 MAR 2009

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SCHIFF HARDIN, LLP
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In re Application of	:	DECISION ON
ATKINS et al	:	
Application No.: 12/092,301	:	
PCT No.: PCT/GB2008/050253	:	
Int. Filing Date: 22 August 2006	:	PETITION UNDER
Priority Date: 01 November 2005	:	
Attorney's Docket No.: P08.0075	:	
For: APPARATUS AND METHOD FOR...	:	
GOODS OR EQUIPMENT	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 C.F.R. 1.47 ... OF AN INVENTOR" filed on 25 November 2008. The petition fee of $200.00 has been paid by credit card.

BACKGROUND

On 22 August 2006, applicants filed international application PCT/GB2008/050253, which claimed priority to an earlier application filed 01 November 2005.

On 01 May 2008, applicants filed a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above the above papers.

On 29 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) 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 the date of this notice or by 32 months from the priority date for the application, whichever is later, in order to avoid abandonment of the national stage application.

On 25 November 2008, applicants filed a petition under 37 CFR 1.47(a), which included, *inter alia*, an executed composite declaration signed by Andrew Farquhar ATKINS and Peter Jonathan CLARKE on their behalf and on the behalf of the non-signing inventor, Fiona Jane SMITH, and declaration by Clive FRENCH.

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.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the

application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied requirements (1), (2) - (4) of 37 CFR 1.47(a) but not item (3) under 37 CFR 1.47(a).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(g).

Regarding requirement (2), the averments of Clive French are sufficient to support a finding that the nonsigning inventor, Ms. Smith, refuses to sign because a copy of the patent application papers and declaration were sent to Ms. Smith on September 15, 2008. On September 30, 2008 Mr. French received a letter from Ms. Smith indicating her belief that she is under no obligation to sign the documents.

Regarding requirement (3), petitioner has not provided a specific statement of the last known address of the missing inventor in the petition.

Regarding requirement (4), petitioner has provided an executed composite declaration signed Andrew Farquhar ATKINS and Peter Jonathan CLARKE on their behalf and on the behalf of the non-signing inventor, Fiona Jane SMITH.

Consequently, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

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

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) 273-6459

UNITED STATES PATENT and TRADEMARK OFFICE

22 JUN 2009

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www.uspto.gov

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO IL 60606-6473

In re Application of	:	DECISION ON
ATKINS et al	:	
Application No.: 12/092,301	:	
PCT No.: PCT/GB2008/050253	:	
Int. Filing Date: 22 August 2006	:	PETITION UNDER
Priority Date: 01 November 2005	:	
Attorney's Docket No.: P08.0075	:	
For: APPARATUS AND METHOD FOR...	:	
GOODS OR EQUIPMENT	:	37 CFR 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47 ... OF AN INVENTOR" filed on 14 April 2009.

BACKGROUND

In a decision from this Office on 10 March 2009, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (3) had not been satisfied.

On 14 April 2009, petitioner submitted a Renewed Petition Under 37 CFR 1.47(a) requesting reconsideration of the Office's decision of 10 March 2009 with respect to accepting the above application without the signature of the nonsigning inventor. Filed with the renewed petition, *inter alia*, is the last known address of the nonsigning inventor, Fiona Smith.

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 the 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 14 April 2009 has satisfied item (3) under 37 CFR 1.47(a). Thus satisfying all the items under 37 CFR 1.47(a).

Petitioner has provided the last known address of nonsigning inventor Fiona Smith.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the items 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 **25 November 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.

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) 272-6312
Facsimile: (571) 273-0459

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22 JUN 2009

Fiona Smith
Winterwood
40 High St
Standlake
Oxon
OX29 7RT
U.K

In re Application of
Atkins et al
Application No.: 12/092,301
PCT No.: PCT/GB2008/050253
Int. Filing Date: 22 August 2006
Priority Date: 01 November 2005
Attorney's Docket No.: P08.0075
For: APPARATUS AND METHOD FOR...
GOODS OR EQUIPMENT

Dear: Fiona,

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
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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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CHICAGO IL 60606-6473

UNITED STATES PATENT and TRADEMARK OFFICE

15 OCT 2008

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

In re Application of	:	DECISION ON
HEMMERLING et al	:	
Application No.: 12/092,311	:	
PCT No.: PCT/SE2006/001227	:	
Int. Filing Date: 31 October 2006	:	PETITION UNDER
Priority Date: 02 November 2005	:	
Attorney Docket No.: 06275-625US1 102058-IP US	:	
For: NOVEL 1-BENZYL-4-...	:	
AND ASTHMA	:	37 CFR 1.182

This decision is in response to petitioner's filing on 01 May 2008, which is being treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has not been provided.

BACKGROUND

On 01 May 2008, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, a and an executed declaration.

The executed declaration appears to have a change with respect to one of the inventors. In the declaration pertaining to the sixth named inventor, the name SJOHOLM TIMEN Asa appears; this name did not appear in the international application (the name that appeared was SJOHOLM Asa). In addition, the declaration has been signed by "SJOHOLM TIMEN Asa."

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The submission has not satisfied items (1) and (2).

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), an affidavit has not been provided signed under SJOHOLM TIMEN Asa setting forth the procedure whereby the change of name was effected from SJOHOLM Asa to SJOHOLM TIMEN Asa. Therefore, item (2) has been satisfied.

Also, in the case where there is no change name of the individual but an incorrect name was given, a petition under **37 CFR 1.182** should be filed requesting correction of applicant's name

If, however, the name change is due to a typographical error then applicant needs to state and explain it by filing a petition under 37 CFR 1.181. If filed under 37 CFR 1.181 the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

A proper response to the Notice 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 1.182." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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
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23 SEP 2009

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

In re Application of	:	DECISION ON
HEMMERLING et al	:	
Application No.: 12/092,311	:	
PCT No.: PCT/SE2006/001227	:	
Int. Filing Date: 31 October 2006	:	PETITION UNDER
Priority Date: 02 November 2005	:	
Attorney Docket No.: 06275-625US1 102058-IP US	:	
For: NOVEL 1-BENZYL-4-...	:	
AND ASTHMA	:	37 CFR 1.182

This decision is in response to petitioner's "RENEWED PETITION UNDER 37 C.F.R. 1.182" filed on 11 December 2008.

BACKGROUND

In a decision from this Office on 15 October 2008, the decision indicated that the application could not enter into national stage at that time since it was unclear if the sixth named inventor, SJOHOLM TIMEN Asa corresponded to that name set forth in the international application as SJOHOLM Asa.

On 11 December 2008, applicants filed a renewed petition under 37 CFR 1.182, which included a copy of Form PCT/IB/306 dated March 31, 2008, received from the International Bureau confirming the change of the sixth inventor's name to SJOHOLM TIMEN, Asa.

DISCUSSION

A review of the renewed petition shows that the "NOTIFICATION OF THE RECORDING OF A CHANGE" Form PCT/IB/306 was mailed on 31 March 2008 to the applicant by the IB. The Notification indicates that applicant/inventor SJOHOLM, Asa had the following change and the name now is SJOHOLM TIMEN, Asa and this change was effected in accordance with PCT Rule 92*Bis*.

Accordingly, the declaration filed 01 May 2008 is accepted because applicant has provided a showing that the applicant/inventor name change was effected in accordance with PCT Rule 92*bis* prior to the filing of the present national stage application.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 is **MOOT.** The petition fee of $400.00 was not charged to petitioner's Deposit Account No.: 06-1050.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **01 May 2008.**

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

Petition to Make Special
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: March 4, 2010
Electronic Signature for Bill C. Panagos: /Bill C. Panagos/

Docket No.: 66706-0007
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Achim Kopmeier

Application No.: 12/092,334 | Confirmation No.: 1120

Filed: May 1, 2008 | Art Unit: 1797

For: METHOD AND DEVICE FOR THICKENING SLUDGE CARRIED ALONG IN WASTE WATER | Examiner: P. A. Hruskoci

PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(c)

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

Dear Sir:

Submitted herewith is a Petition to Make Special the above-identified patent application. The basis of this Petition is that the invention will materially enhance the quality of the environment and contribute to the development of or conservation of energy resources.

Accordingly, applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Under 37 CFR 1.102(c), no fee is required. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or

with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-0013, under Order No. 66706-0007.

Dated: March 4, 2010

Respectfully submitted,

Electronic signature: /Bill C. Panagos/
Bill C. Panagos
Registration No.: 31,050
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 10291
Attorney for Applicant

Application No. (if known): 12/092,334 Attorney Docket No.: 66706-0007

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4):

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

on March 4, 2010
Date

/Bill C. Panagos/
Signature

Bill C. Panagos
Typed or printed name of person signing Certificate

31,050
Registration Number, if applicable

(248) 594-0600
Telephone Number

Note: Each paper must have its own certificate of mailing.

Electronic Certificate for Petition to Make Special - Accelerated Exam (Fillable PDF).

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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.
12/092,334	11/21/2008	Achim Kopmeier	66706-0007	1120

10291 7590 04/23/2010

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER	
HRUSKOCI, PETER A	

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
04/23/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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4/23/10

CST

In re application of
Achim Kopmeier
Serial No. 12/092,334
Filed: May 1, 2008
For: METHOD AND DEVICE FOR THICKENING SLUDGE CARRIED ALONG IN WASTE WATER

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on March 4, 2010 to make the above-identified application special based on materially enhancing the environment.

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

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (environment) was required to be filed prior to August 25, 2006.

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

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
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 must be a non-reissue utility or design application filed under 37 CFR 1.111(a). Note that applications filed under 35 USC 371 are not eligible.

Note the Frequently Asked Questions concerning the Accelerated Examination Program posted on www.uspto.gov, particularly the question and answer reproduced below:

EC 1. What applications are eligible for the accelerated examination program?
o Any non-reissue utility or design application filed under 35 USC §111(a) on or after August 25, 2006 is eligible for the accelerated examination program.
o The following types of applications are not eligible for the accelerated examination program: plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 USC §371, reexamination proceedings, and petitions to make special based on applicant's health or age, or under the PPH pilot program.

EC 3. Why aren't 35 USC §371 application filings eligible?
o The procedure as implemented relies on the electronic filing of the application which is ready for examination on the filing date in order to reliably track the case and in order to achieve the 12-month goal. In general, a 35 USC §371 application cannot be submitted in that condition since the specification must be retrieved from the International Bureau if there is early entry (prior to publication) or if the international application is not in English. Note however, that the same effect can be accomplished by means of filing a bypass continuation.

Furthermore, the petition to make special was not filed on the same day as the application. Note that this national stage application was filed on May 1, 2008, while the petition to make special was filed on March 4, 2010. Note MPEP 708.02(a), section I (A).

Additionally, the application as filed is not eligible for accelerated examination because the application contains greater than twenty claims (there are 25 claims).

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

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

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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STERNE, KESSLER, GOLDSTEIN & FOX
P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC

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NOV 0 3 2009

OFFICE OF PETITIONS

Applicant: Masami Kondou
Appl. No.: 12/092,361
International Filing Date: October 31, 2006
Title: ENGINE CONTROLLER OF HYDRAULIC SHOVEL
Attorney Docket No.: 0666.3690000/JHH/AKS
Pub. No.: US 2009/0101107 A1
Pub. Date: April 23, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 27, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication, wherein the foreign priority data was not published correctly.

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 misprinting the foreign priority data for JP 2006-293044, wherein October 27, 2006, is misprinted as February 21, 2006, may be Office error, but is not a material Office error under 37 CFR 1.221. The misprinting of the foreign priority data does not affect the understanding of the application. The misprint 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. The error also does not affect the use 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 as a prior art reference, because the foreign priority date is not useable as a reference date.

On January 14, 2009, a Filing Receipt was mail by the Office, which incorrectly listed the Foreign Application Priority data. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

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.

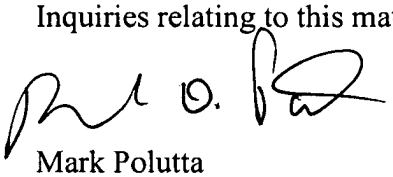
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

28 OCT 2009

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POLSINELLI SHUGHART PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

In re Application of	:	
PERRAULT, Ronald et al.	:	
Application No.: 12/092,480	:	DECISION ON
PCT No.: PCT/CA2006/001795	:	
Int. Filing Date: 01 November 2006	:	PETITION
Priority Date: 04 November 2005	:	
Attorney Docket No.: 055722.000300.01USPC	:	UNDER 37 CFR 1.42
For: SURFACE ANALYSIS METHOD AND SYSTEM	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that sole inventor is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 August 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 15 October 2008, applicant filed a declaration.

On 23 October 2009, the Office mailed a filing receipt and a Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application satisfied the requirements of 35 USC 371(c)(1), (c)(2) and (c)(4) and all the 35 USC 371 requirements on "15 October 2009".

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the inventor, but not for the legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

As the declaration was defective, applicant was not entitled to a Notification of Acceptance and one should not have issued. Further, it is noted that the declaration was received on 15 October 2008, not 15 October 2009, as was indicated on the Notification and filing receipt.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

The filing receipt and a Notification of Acceptance (Form PCT/DO/EO/903) mailed 23 October 2009 are **VACATED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 and the surcharge for late filing of the search fee, examination fee or oath or declaration, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

30 SEP 2008

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HUNTSMAN INTERNATIONAL LLC
LEGAL DEPARTMENT
10003 WOODLOCH FOREST DRIVE
THE WOODLANDS, TX 77380

In re Application of	
FONG, John Wai, et al.	
Application No.: 12/092,490	DECISION
PCT No.: PCT/EP2006/067804	
Int. Filing Date: 26 October 2006	ON PETITION UNDER
Priority Date: 27 October 2005	
Docket No.: HAM 830037	37 CFR 1.137(b)
For: ANTIMONY-FREE PHOTOCURABLE RESIN COMPOSITION AND THREE DIMENSIONAL ARTICLE	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 02 May 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)during the international phase. However, applicant has not paid the surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the surcharge for late furnishing of the search fee, examination fee or oath or declaration is 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

13 NOV 2008

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

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

In re Application of
Holmroos
Application No. 12/092,506
PCT No.: PCT/FI2006/000353
Int. Filing Date: 02 November 2006
Priority Date: 02 November 2005
Att. Docket No.: HOLJ101
For: Collapsible Saw

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 04 August 2008 in the above-captioned application is hereby **DISMISSED, without prejudice,** as follows:

The petition 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." However, inspection of the s-signature reveals that petitioner's registration number has not been provided, per 37 CFR 1.4(d)(2)(ii). Thus, the statement of unintentional delay has not been properly signed.

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. No terminal disclaimer is required.

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).

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

United States Patent and Trademark Office

05 JAN 2009

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

In re Application of
Holmroos
Application No. 12/092,506
PCT No.: PCT/FI2006/000353
Int. Filing Date: 02 November 2006
Priority Date: 02 November 2005
Att. Docket No.: HOLJ101
For: Collapsible Saw

DECISION

The renewed petition to revive under 37 CFR 1.137(b) filed on 19 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

The petition 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."

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. No terminal disclaimer 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 the submission of an oath or declaration compliant 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

MAIL

JUL 2 4 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
HAMADA, SEIJI	:	DECISION ON REQUEST TO
Application No. 12/092,511	:	PARTICIPATE IN PATENT
Filed: May 2, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2008_0740A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition is deficient as follows:

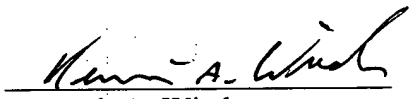
Petitioner has not complied with items 2 and 5 above in that although a translation of the claims and JPO Office action have been submitted, the petition fails to include a copy of the actual allowable/patentable claims and Office action from the JPO application.

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

Any response must be submitted 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

11 MAR 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IPLA P.A.
3850 Wilshire Blvd. 17th Floor
Los Angeles, CA 90010

In re Application of :
SONG, Jong Seok :
Application No.: 12/092,546 :
PCT No.: PCT/KR2006/004731 :
Int. Filing Date: 13 November 2006 :
Priority Date: None : DECISION
For: TWISTED ELECTRIC HEATING CABLES AND METHOD FOR MANUFACTURING THEREOF :

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

BACKGROUND

On 13 November 2006, applicants filed international application PCT/KR2006/004731 which designated the United States. On 22 May 2008, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 13 May 2009.

On 02 May 2008, the law firm of Nixon Peabody LLP electronically filed a request to enter the national stage in the United States for international application PCT/KR2006/004731, which included, among other materials, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The filing was assigned U.S. application number 12/092,546 and has been appropriately treated as the U.S. national stage of international application PCT/KR2006/004731.

On 31 December 2008, above-named attorneys filed on behalf of applicant a Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form PTO-1390) requesting entry into the national stage in the United States for international application PCT/KR2006/004731. The submission included, among other materials, payment of the basic national fee and an executed declaration/power of attorney. This submission was initially assigned U.S. application number 12/307,262, although this application number was not entered into the USPTO's PALM system.

DISCUSSION

As is evident from the above-recited facts, two sets of papers to enter the national stage under 35 U.S.C. 371 have been submitted for international application PCT/KR2006/004731

(U.S. application numbers 12/092,546 and 12/307,262). The end result for an international application designating the United States is a single U.S. national stage application (see 35 U.S.C. 363). Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by different attorneys and assigned application number 12/092,546 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 12/092,546 is the application file that will continue to be processed as the national stage of PCT/KR2006/004731. The other set of national stage materials filed on 31 December 2008 and originally assigned U.S. application number 12/307,262 will be placed in the present application file, and U.S. application number 12/307,262 will be discontinued.

Because the applicant/inventor has appointed above-named counsel to prosecute the present national stage application, all future correspondence with respect to the U.S. national stage of PCT/KR2006/004731 will be directed solely to such attorneys, and no further communications herein will be addressed to the attorneys who filed the other set of national stage papers.

CONCLUSION

Application no. 12/307,262 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no.12/307,262 into U.S. Application no. 12/092,546 and (2) refund the filing fees of paid by previous counsel.

U.S. application number 12/307,262 will be discontinued.

U.S. Application number 12/092,546 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations and will be processed as the U.S. national stage of PCT/KR2006/004731. All further correspondence with respect to this national stage application should reference U.S. application number 12/092,546.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

cc: Nixon Peabody LLP
200 Page Mill Road
Palo Alto CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUL 19 2010

OFFICE OF PETITIONS

Proskauer Rose, LLP
One International Place
Boston, MA 02110

In re Application of	:	
R. Michael Casanova et al.	:	
Application No. 12/092,561	:	DECISION ON PETITION
Filed: September 17, 2008	:	TO WITHDRAW
Attorney Docket No. 14673-032US	:	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 2, 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 Jennifer A. Camacho and all attorneys/agents associated with customer number 61263 has been revoked by the assignee of the patent application on June 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: C.R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe, AZ 85280-1740

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

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In re Application of
Felo, et al.
Application No. 12/092,563
Filed: June 18, 2008
Attorney Docket No. 101961-5164-US

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed September 11, 2009.

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**.

Pursuant to petitioners' authorization, deposit account no. 50-0310 will be charged $880.00.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APR 16 2010

OFFICE OF PETITIONS

DANIEL J SWIRSKY
55 REUVEN ST.
BEIT SHEMESH, ISRAEL 9954

In re Application of	:	
Gad TERLIUC et al.	:	
Application No. 12/092,576	:	DECISION ON PETITION
Filed: May 04, 2008	:	TO WITHDRAW
Attorney Docket No. A-11565.POA/cat	:	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 11, 2010.

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

A review of the file record indicates that the power of attorney to Daniel J. Swirsky has been revoked by the applicants of the patent application on March 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 address until otherwise notified by applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HOFFMAN WASSON & GITLER, P.C**
CRYSTAL CENTER 2, SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202-3843

UNITED STATES PATENT AND TRADEMARK OFFICE

16 NOV 2009

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HAROLD R. BROWN III
WRB-IP LLP
1217 KING STREET
ALEXANDRIA, VA 22314

In re Application of	:	
GUSTAFSSON, Magnus	:	
Application No.: 12/092,592	:	DECISION ON
PCT No.: PCT/SE2005/001653	:	
Int. Filing Date: 03 November 2005	:	PETITION
Attorney Docket No.: 000009-225	:	
For: CROWNING PROFILE	:	UNDER 37 CFR 1.181
	:	
	:	

This decision is in response to applicant's "PETITION TO REVIVE IMPROPERLY ABANDONED APPLICATION" filed 10 September 2009, which has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 03 November 2005, applicant filed international application PCT/SE2005/001653, which designated the U.S. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 May 2008.

On 05 May 2008, applicants 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 16 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905), which indicated that applicant failed to provide an oath or declaration.

On 10 September 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 10 September 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the file indicated that the applicant submitted the declaration on 16 June 2008 with the late surcharge fee of $130. As the response was timely filed, the Notification of Abandonment was issued in error.

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 10 September 2009 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 16 June 2008.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Rafael Bacares
Legal Examiner
Office of PCT Legal Administration

23 JUN 2008

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Alexandria, VA 22313-1450
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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of	:	
Koopmans et al.	:	
Application No.: 12/092,596	:	
PCT No.: PCT/GB2006/001200	:	
Int. Filing Date: 30 March 2006	:	DECISION
Priority Date: 30 March 2005	:	
Attorney Docket No.: 67,012-005 PUS1	:	
For: Improved Coiled Tubing Injector Head	:	

The petition to revive under 37 CFR 1.137(b) filed on 05 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.

Inspection of the declaration reveals that it is not clear that joint inventor Aldo Huizer executed it; a signature appears on the sheet nominating him, but it is in an empty box meant for nominating an additional inventor. Counsel is also advised that any declaration submitted to correct this defect should also clearly identify the application to which it is directed, e.g., by application number.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

10 MAR 2009

United States Patent and Trademark Office

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IMMUNICON CORPORATION
3401 MASONS MILL ROAD
SUITE 100
HUNTINGDON VALLEY PA 1900

In re Application of :
O'Hara et al. :
Application No. 12/092,626 :
PCT No.: PCT/US2005/039602 :
Int. Filing Date: 03 November 2005 : DECISION
Priority Date: N/A :
Att. Docket No.: VDX5096USPCT[1] :
For: AGR2 And TFF3 Regulation In The :
Diagnosis And Treatment Of Cancer :

The petition to revive under 37 CFR 1.137(b) filed on 30 December 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. The petition fee has been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

cc: Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

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Alexandria, VA 22313-1450
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SMART & BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500, BOX 111
TORONTO ON M5G 2K8 CA CANADA

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OCT 15 2009

OFFICE OF PETITIONS

In re Application of
LYON, Donald E.
Application No. 12/092,666
Filed: May 05, 2008
Attorney Docket No. **93751-31**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009.

The request is **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 Matthew Zischka on behalf of all attorneys of record who are associated with customer No. 22463. All attorneys/agents associated with the Customer Number 22463 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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

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

/Tredelle D. Jackson/
Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **DONALD E. LYON**
20 LIBRA LANE
HANWELL NB E3C 1M9
CANADA

cc: **UV LIGHT SCIENCES GROUP**
C/O DR. RICHARD NEWBOLD
3911 VAUX STREET
PHILADELPHIA PA 19129

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438 UNIVERSITY AVENUE
SUITE 1500, BOX 111
TORONTO, ON M5G 2K8 CA CANADA

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of
Donald E. LYON
Application No. 12/092,681
Filed: May 5, 2008
Attorney Docket No. **93231-30**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009.

The request is **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 Matthew Zischka, the sole attorney of record. Matthew Zischka 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 assignee of the entire interest 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: **UV LIGHT SCIENCES GROUP**
C/O RICHARD NEWBOLD
3911 VAUX STREET
PHILADELPHIA, PA 19129

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.
12/092,768		Yoshiaki KAI	14434.0174USWO	5873

53148 7590 10/31/2008
HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
10/31/2008	PAPER

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

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

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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS MN 55402

In re Application of
Yoshiaki KAI, et al.
Application No.: 12/092,768
Filed: 05/06/2008
Attorney Docket No.: 14434.0174USWO

For: DISPLAY DEVICE, VENT TUBE WITH GLASS RING, PHOSPHATE GLASS RING, AND METHOD OF PRODUCING THE SAME

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

The request and petition are **DISMISSED**.

Discussion

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

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

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

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

This request to participate in the PPH program and petition meet the requirements (1), (2), (4), (5), and (7) above. This request to participate in the PPH program and petition fails to meet the requirements (6) above.

Regarding requirement (3) above, the instant claims do not sufficiently correspond to the allowed claims.

Allowed claim 1, line 14 reads in essential part, "the large diameter portion **of** the tubular portion", whereas the instantly pending claim 1, line 13 reads in essential part, "the large diameter portion the tubular portion". It appears that the preposition, "of" has been inadvertently left out of the instantly pending claim 1. Consequently, it appears that the instantly pending claim 1, line 14 should be amended to read in essential part, "the large diameter portion of the tubular portion".

The instant claim 15 appears to have an improper dependency. It appears that the instant claim 15 should depend from claim 9, and not claim 14 as currently recited. Note that the instant claim 14 corresponds to the allowed claim 8, whereas the allowed claim 9 depends from allowed claim 6 which corresponds to the instant claim 9. Because the instant claim 14 does not correspond in scope with the allowed claim 8, the instant claim 15 does not sufficiently correspond in scope with the allowed claim 9. (Here it is noted that dependency of the instant claim 6 has shifted from claim 1 to claim 5, however, as this corrects a problem with a minor lack of antecedent basis for the claim, this shift has

been permitted. In the instant claim 15, there does not appear to be any correction of a lack of antecedent basis.)

Regarding the requirements (6a), the applicants have submit an IDS listing most of the documents cited by the JPO examiner in the JPO office action, "notification for refusal" dispatched on February 13, 2008. Specifically, it is noted that the cited document JP 2004-182585 A has not been listed on the IDS, rather document JP 2004-182584 A has been listed.

Regarding the requirements (6b), the applicants have not submitted copies of any of the documents cited by the JPO examiner in the JPO office action, "notification for refusal" dispatched on February 13, 2008.

A successful response to this dismissal must include:

a. Claim 1, line 14 must be amended to read in essential part, "the large diameter portion of the tubular portion";

b. Claim 15 must be amended to depend from claim 9; and,

c. Applicant must submit:

1. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application) and
2. Copies of the listed 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 filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

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

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

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

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.
12/092,768		Yoshiaki KAI	14434.0174USWO	5873

53148 7590 03/03/2009

HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
03/03/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS MN 55402

In re Application of
Yoshiaki KAI, et al.
Application No.: 12/092,768
Filed: 05/06/2008
Attorney Docket No.: 14434.0174USWO

For: DISPLAY DEVICE, VENT TUBE WITH GLASS RING, PHOSPHATE GLASS RING, AND METHOD OF PRODUCING THE SAME

: 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 29 August 2008, and request for reconsideration to participate in the PPH program, filed 13 November 2008, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

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

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

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

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

This request to participate in the PPH program and petition meet the requirements (1)-(5), (6a), and (7) above. This request to participate in the PPH program and petition fails to meet the requirements (6b) above.

Regarding the requirements (6b), the applicants have not submitted copies of most of the documents cited by the JPO examiner in the JPO office action, "notification for refusal" dispatched on February 13, 2008. Only the cited document JP 2004-182585 A has to date been submitted.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Program Between the JPO and the USPTO" filed 9 September 2008, and request for reconsideration to participate in the PPH program, filed 13 November 2008, is **DENIED**.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for participation in the Patent Prosecution Highway (PPH) pilot program in this application will not be entertained.

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

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

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

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

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.
12/092,898	05/07/2008	Ruediger Maestle	20050512-02	7319

7590 12/04/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
2828	
NOTIFICATION DATE	DELIVERY MODE
12/04/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of :
Carlos Espana-Fernandez :
Application No. 12/092,907 :
Filed: January 5, 2009 :
Attorney Docket No. 15053.0100USWO :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 4, 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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request cannot be approved since all of the above listed certifications were not made. Accordingly, any subsequent requests must include all certifications pursuant to 37 CFR 10.40.

Further, petitioner should note that 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.

A review of the record indicates that the inventor's name specified on the request differs from the first named inventor identified on Office records.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

05 JUN 2009

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
ATTSTROM	:	
Application No.: 12/092,933	:	DECISION ON
PCT No.: PCT/GB07/00025	:	
Int. Filing Date: 05 January 2007	:	DECLARATION
Priority Date: 10 January 2006	:	
Attorney Docket No.: GJE-1243	:	
For: USE OF MORPHOLINO COMPOUNDS FOR THE TREATMENT OF HALITOSIS	:	

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 08 August 2008 in the above referenced application.

On 07 May 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. On 08 July 2008, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required along with the surcharge for filing the oath or declaration after thirty month period.

On 08 August 2008, in a timely response to the Notification, a declaration was submitted accompanied by a transmittal letter and Notification of the Recording of a Change (Form PCT/IB/306). The 306 indicated that inventor Jonathan Douglas Lane had been deleted as an inventor and that Rolf Valter Attstrom had been added as an applicant/inventor for the U.S.

The declaration, executed by Rolf Valter Attstrom, 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 08 August 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,942	09/29/2008	Michael J. Fazio	20080531-04	7754

7590 11/27/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
1623	
NOTIFICATION DATE	DELIVERY MODE
11/27/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

20 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS CA 90212

In re Application of NAKAMURA et al.
Application No.: 12/092,963
PCT No.: PCT/IB06/04326
Int. Filing: 25 August 2006
Priority Date: 25 August 2005
Attorney Docket No.:08-02-4846
For: PRESSURE REGULATOR

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 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 this 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 $310 has now 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.

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 07 May 2008.

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

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

26 SEP 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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Leason Ellis LLP
81 Main Street
Suite 100
White Plains NY 10601

In re Application of	:	
ANDREWS, William et al.	:	
U.S. Application No.: 12/092,970	:	
PCT No.: PCT/GB2006/004236	:	
Int. Filing Date: 14 November 2006	:	DECISION
Priority Date: 15 November 2005	:	
Attorney Docket No.: 4607/0426-US0	:	
For: PRESSURE EXCHANGER	:	

This is a decision on applicants' petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office on 16 July 2008.

BACKGROUND

On 14 November 2006, applicant filed international application PCT/GB2006/004236, claiming a priority date of 15 November 2005. A copy of the international application was transmitted to the Office by the International Bureau on 24 May 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 15 May 2008.

On 07 May 2008, applicant made multiple attempts to file a national phase entry for the above application. Application 12/092,970 was designated as the national phase entry, but applicants' papers and fees were uploaded to 12/092,971.

On 01 July 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that 12/092,970 went abandoned for failure to pay the basic national fee by 30 months.

DISCUSSION

Applicant has submitted two sets of papers for the national stage entry of international application number PCT/GB2006/004236. 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: 12/092,970.

All future correspondence in regards to the national phase of PCT/GB2006/004236

should use the 12/092,970.

CONCLUSION

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

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 01 July 2008 is **VACATED**.

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, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors, the search fee, examination fee, and 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

24 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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

In re Application of:	:	
Noureddine Frid	:	DECISION
Application No.: 12/093,019	:	
PCT Application No.: PCT/EP06/66951	:	ON PETITION
Int. Filing Date: 02 October 2006	:	
Priority Date: 03 October 2005	:	UNDER
Atty Docket No.: 020306-002400US	:	
For: RADIO-OPAQUE ENDOPROSTHESIS	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 08 May 2008 is **GRANTED**.

BACKGROUND

On 02 October 2006, applicant filed international application PCT/EP06/66951. The international application designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 03 April 2008. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 03 April 2008.

On 08 May 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

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

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

CONCLUSION

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

The application has an international filing date of 02 October 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

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
Alexandria, Va 22313- 1450
www.uspto.gov.

DATE: December 4, 2009
Patent No: 7547691
Applicant: Dahnke et al.
Issued: 06/16/09

Request for consideration of Certificate of Correction:

Consideration has been given for your request for the certificate of correction for the above-identified patent under the provisions of Rules 1.322.

Respecting the alleged errors in the claims are printed in accordance with the record. Therefore, no correction(s) are in order here under United States Codes (U.S.C.) 254 Code of Federal Regulation (C.F.R.) 1.322.

In view of the foregoing, in this matter your request is hereby denied.

RoChaun Johnson for
Mary Diggs, Supervisor
Decisions and Certificates of Correction
(571) 272-0470

ELI LILLY AND COMPANY
PATENT DIVISION
P.O.BOX 6288
INDIANAPOLIS, INDIANA
46206-6288

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 8, 2010

TO SPE OF : ART UNIT 1624 - SPE James O. Wilson.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/093,024 Patent No.: 7,547,691 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the changes in the claims be approved?

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

☐ /James O. Wilson/ 1624
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUN 2009

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

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614

In re Application of KABILAN et al	:	
U.S. Application No.: 12/093,038	:	
PCT Application No.: PCT/GB2006/004172	:	
Int. Filing Date: 08 November 2006	:	DECISION
Priority Date Claimed: 08 November 2005	:	
Attorney Docket No.: GJE-7979X	:	
For: NOVEL BORONATE COMPLEX AND ITS USE IN A GLUCOSE SENSOR	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 12 May 2009.

BACKGROUND

On 08 November 2006, applicant filed international application PCT/GB2006/004172, which claimed priority of an earlier United Kingdom application filed 08 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 08 May 2008.

On 08 May 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 ("EFS-Web"). International application number "PCT/US06/04172" was entered into the EFS-Web user interface.

On 12 May 2009, applicant filed the present petition under 37 CFR 1.182. The requisite $400.00 petition fee will be charged to Deposit Account No. 19-0065 as authorized in the petition.

DISCUSSION

The present petition states that the incorrect international application number was mistakenly typed into the EFS-Web user interface. A review of the papers filed on 08 May 2008

reveals that the correct international application number appeared on several documents. Applicant's explanation for the error is accepted.

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including correcting the electronic records of the Office to reflect that the present application is a national stage application based on international application number PCT/GB2006/004172.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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Paper No.

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

COPY MAILED

MAR 02 2010

In re Application of :
Li et al. :
Application No. 12/093,054 : ON APPLICATION FOR
Filed: May 5, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. :
X-17153 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)," filed on November 9, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is 33 days, not 0 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Applicants state that the application is not subject to a terminal disclaimer.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

1 For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Eric Van QuaQuebeke, et al. :
Application No. 12/093,086 : DECISION ON PETITION
Filed: May 8, 2008 : TO WITHDRAW
Attorney Docket No. 50304/104002 : 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 8, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

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

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

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

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

Attachment: Blank copy of the PTO/SB/83

cc: MR. CLIFTON DAVIDSON
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE
NEW YORK, NY 10018

UNITED STATES PATENT AND TRADEMARK OFFICE

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Levenfeld Pearlstein, LLC (ILLINOIS TOOL WORKS)
2 North LaSalle Street
Suite 1300
Chicago IL 60602

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of :
Han Gunter Kastner :
Application No. 12/093,088 : ON PETITION
Filed: May 8, 2008 :
Attorney Docket No. **20091/35371-75358**

This is a decision on the petition under 37 CFR 1.137(b) filed April 1, 2010.

The petition is GRANTED.

This application became December 31, 2009. The notice set a statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on April 1, 2010. A Notice of Abandonment was mailed on April 12, 2010.

The issue fee and publication fee were received on April 1, 2010.

The application file will be directed to the Office of Data Management for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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.
12/093,132		Mark Davies	STOK-002/01US 308634-2016	9344

58249 7590 05/30/2008

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

EXAMINER	
ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
05/30/2008	PAPER

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

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

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052008

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of:
Mark Davies et al.
Serial No.: 12/093,132
Filed: May 8, 2008
Docket Number: STOK-002/01US 308634-2016
Title: A MICROFLUIDIC ANALYSIS SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on May 9, 2008, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

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

Effective August 25, 2006, the accelerated examination procedure outlined under Manual for Patent Examining Procedure (MPEP) § 708.02.VIII was replaced by the new accelerated examination procedure outlined in MPEP § 708.02(a) and in the Federal Register, vol. 71, No. 122 of June 26, 2006 (71 Fed. Reg. 36323). Except for petitions to make special related to health and age, a petition to make special must comply with the conditions set forth in MPEP §708.02(a) to be eligible for accelerated examination.

To be eligible for accelerated examination in accordance with 37 C.F.R. § 1.102(d) and pursuant to MPEP § 708.02(a), the following conditions are required:

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

The application as filed is not eligible for the accelerated examination under MPEP § 708.02(a), and in accordance with 37 C.F.R. § 1.102(c) (2) because the application is an international application entering national stage under 35 USC §371 and, thus, is not an application filed under 35 USC 111(a). See USPTO web site below, Frequently Asked Questions, EC 1 and EC 3. Furthermore, the application was not complete and in condition for examination on filing because a proper declaration was not filed concurrently with the application papers.

For the above-stated reasons, the application as filed is not eligible for accelerated examination and the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Information about the current accelerated examination procedure may be obtained from the USPTO website at http://www.uspto.gov/web/patents/accelerated/.

Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/093,135	Confirmation Number	9400	Filing Date	2008-05-08
Attorney Docket Number (optional)	20031-1388	Art Unit		Examiner	
First Named Inventor	Mario Dau				
Title of Invention	SYSTEMS AND METHODS FOR STABILIZING CABLES UNDER HEAVY LOADING CONDITIONS				

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
MARIO		DAU	

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	/Bradley Baugh/	Date (YYYY-MM-DD)	2008-05-08
Name	Bradley D. Baugh	Registration Number	50368

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. 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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Mario Dau

Application No. 12093135

Filed:

Attorney Docket No. 20031-1388

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

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 MAR 2009

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of: WISNIOWSKI, Damian
U.S. Application No.: 12/093,174
PCT No.: PCT/EP2006/068115
International Filing Date: 06 November 2006
Priority Date: 09 November 2005
Attorney's Docket No.: 2005P11809
For: MOTOR VEHICLE FOR MOTOR-VEHICLE-TO-MOTOR-VEHICLE COMMUNICATION AND AN ASSOCIATED METHOD FOR OPERATING AN ANTENNA STRUCTURE OF A MOTOR VEHICLE

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition Under 37 CFR 1.47(b)" filed 26 January 2009 seeking acceptance of the application without the signature of the sole inventor, and the supplement to the petition (including an executed declaration) filed 30 January 2009. Petitioner has submitted the petition fee.

BACKGROUND

On 06 November 2006, applicant filed international application PCT/EP2006/068115. The application claimed a priority date of 09 November 2005, and it designated the United States. On 18 May 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., 09 May 2008.

On 09 May 2008, petitioner filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an unexecuted declaration.

On 25 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 26 January 2009, petitioner filed a response to the Notification Of Missing Requirements (with required three-month extension fee). The response included payment of the

required surcharge and the petition under 37 CFR 1.47(b) considered herein. The petition seeks acceptance of the application without the signature of the sole inventor, whom petitioner states has refused to execute the application papers.

On 30 January 2009, applicants filed a supplemental submission that included a declaration executed by the previously non-signing inventor.

DISCUSSION

Based on the 30 January 2009 submission of a declaration executed by the previously non-signing sole inventor Damian WISNIOWSKI, the petition under 37 CFR 1.47(b) requesting acceptance of the application without the signature of the inventor is appropriately dismissed as moot.

The executed declaration filed on 30 January 2009 satisfies the requirements of 37 CFR 1.497.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

The declaration executed by previously non-signing sole inventor Damian WISNIOWSKI filed on 30 January is accepted under 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 January 2009.

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

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APR 07 2010

OFFICE OF PETITIONS

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of :
Fernando Pedro Cossio MORA et al. :
Application No. 12/093,180 : DECISION ON PETITION
Filed: May 9, 2008 :
Attorney Docket No. 20840/0209628-US0 :

This is a decision on the petition, filed January 5, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office Action mailed on June 19, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 19, 2009.

Petitioner states that a timely reply in the form of a Response was filed on Monday, December 21, 2009 concurrently with a petition and fee for a three-month extension of time under 37 CFR 1.136(a).

A review of the record reveals that a Response was filed on Monday, December 21, 2009 concurrently with a petition and fee for a three-month extension of time under 37 CFR 1.136(a), in response to the Office Action mailed on June 19, 2009, is located in the Office's Image File Wrapper System.

As such, the papers filed on Monday, December 21, 2009, constituted a timely response to the Office Action mailed on June 19, 2009.

Therefore, the showing of record is that a response was timely filed, and there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

This application is referred to Technology Center Art Unit 1626 for further processing.

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. Bucei
Petitions Examiner
Office of Petitions

7 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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45733
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, IL 60601-6731

In re Application of :
FIGG *et al* :
U.S. Application No.: 12/093,225 :
PCT No.: PCT/US2006/043656 :
Int. Filing Date: 09 November 2006 : **DECISION ON**
Priority Date: 09 November 2006 : **REQUEST**
Attorney Docket No.: 702907 : **FOR REFUND**
For: MATERIALS AND METHODS FOR :
ABCB1 POLYMORPHIC VARIANT :
SCREENING, DIAGNOSIS, AND :
TREATMENT :

Applicants' request for refund filed on 30 January 2009 is hereby **REFUSED** for the following reason:

Applicants state that the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 18 August 2008 requesting an additional $780.00 for 139 pages in excess of 100 for a non-small entity does not take into account the discount for applications filed electronically. As such, applicants' request for refund of $290.00 in excess fees paid.

The discount is derived from 37 CFR 1.52(f)(2) which states

> Except as otherwise provided in this paragraph, the paper size equivalent of the specification and drawings of an application submitted via the Office electronic filing system will be considered to be seventy-five percent of the number of sheets of paper present in the specification and drawings of the application when entered into the Office file wrapper after being rendered by the Office electronic filing system for purposes of determining the application size fee required by § 1.16(s).

The application size fee for a national stage application is determined on the basis of the international application as published by WIPO pursuant to PCT Article 21. Section 1893.01(C) MPEP also states, that "[t]he paper size equivalency provisions of 37 CFR 1.52(f)(2) for EFS-Web filings do not apply to national stage submissions."

Thus, the discount on application size due to electronic filing does not apply to

national stage applications filed under 35 U.S.C. 371.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
101 CARNEGIE CENTER
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: Andreas Axen	: DECISION ON REQUEST FOR
Patent Number	: 7608187	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/093,229	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/09/2008	: 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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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED

NOV 25 2009

OFFICE OF PETITIONS

Applicant: Akio Kuroda, et al.
Appl. No.: 12/093,313
International Filing Date: November 9, 2006
Title: METHOD AND AGENT FOR IMMOBILIZING PROTEIN VIA PROTEIN BOUND TO SILICON OXIDE-CONTAINING SUBSTANCE
Attorney Docket No.: 247322006400
Pub. No.: US 2009/0118142 A1
Pub. Date: May 7, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 7, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein one of the inventors name (Kazutaka Nomura) and the foreign application priority data was not published correctly.

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

The error on the front page of the publication wherein one of the inventors name Kazutaka Nomura was misprinted as Kazutaka Momura and where the foreign application priority data JAPAN 2005 326502 11/10/2005 was misprinted as JAPAN 326502 10/11/2005 may be Office errors, but they are not material Office errors under 37 CFR 1.221. The misprinting of the inventor's name and the foreign priority data do not affect the understanding of the application. The misprint 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

[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 a patent. The error to the foreign application priority date does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

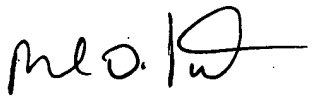
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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



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

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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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE NJ 08648

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
HAMILTON, Eric et al.	:	
Application No. 12/093,411	:	DECISION ON PETITION
Filed: May 12, 2008	:	TO WITHDRAW
Attorney Docket No. **07478.00007**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 11, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Tredelle D. Jackson/

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

0 8 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Dickstein Shapiro, LLP
1825 Eye Street, NW
Washington, DC 20006-5403

In re Application of	:	
MORGAN	:	DECISION ON PETITION
Application No.: 12/093,417	:	
PCT No.: PCT/US06/33318	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 August 2006	:	
Priority Date: 26 August 2005	:	
Atty. Docket No.: T0901.0005/P005	:	
For: HYDRAZONE AGENTS TO TREAT CUTANEOUS LESIONS	:	

The petition to revive under 37 CFR 1.137(b) filed 12 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" 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 25 August 2006 under 35 U.S.C. 363 and will be given a date of **12 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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05 AUG 2008

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Bio Technology Law Group
c/o Portfolio IP
P.O. Box 52050
Minneapolis, MN 55402

In re Application of :
DESHPANDE et al. :
U.S. Application No. 12/093,452 :
PCT No.: PCT/US06/43874 :
Int. Filing Date: 10 November 2006 :
Priority Date: 10 November 2005 : DECISION ON PETITION
Attorney Docket No.: GNV-005-US :
For: MNTF DIFFERENTIATION AND GROWTH OF STEM CELLS :

The petition to revive under 37 CFR 1.137(b) filed 26 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
Facsimile: 571-273-0459

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LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS NY 10605

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MAY 25 2010

OFFICE OF PETITIONS

In re Application of :
Jung :
Application No. 12/093,520 : NOTICE
Filed: May 13, 2008 :
Attorney Docket No. JISU0240US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed February 16, 2010.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK, NY 10017

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Axel Mohle, et al.	:	
Application No. 12/093,526	:	DECISION GRANTING PETITION
Filed: May 13, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BADE-2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 26, 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

[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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/093,556	05/13/2008	Airy-Pierre Lamaze	007035.00117	3971

7590 02/26/2010

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

EXAMINER	
WILKINS III, HARRY D	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/26/2010	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.

Patent Publication Branch
Office of Data Management

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Van Eijk et al..	:	
Application No. 12/093,574	:	ON PETITION
Filed: August 29, 2008	:	
Attorney Docket No. VAN EIJK=16A	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed April 12, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.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 matter is being referred to Technology Center AU 1637 for examination on the merits of the application.

Liana Walsh
Petitions Examiner
Office of Petitions

2 8 OCT 2009

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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER,
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

In re Application of CORCORAN et al :
U.S. Application No.: 12/093,588 :
PCT Application No.: PCT/EP2006/010904 :
Int. Filing Date: 14 November 2006 :
Priority Date Claimed: 14 November 2005 : DECISION
Attorney Docket No.: 17601.58 :
For: METHOD OF THERMAL TREATMENT OF :
A THERMALLY RESPONSIVE MATERIAL :
OF MEDICAL DEVICES :

This is in response to the correspondence filed 17 February 2009, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 14 November 2006, applicant filed international application PCT/EP2006/010904, which claimed priority of an earlier United States application filed 14 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 14 May 2008.

On 13 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 17 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 17 February 2009, applicant filed the present petition under 37 CFR 1.182 along with an executed declaration.

On 17 September 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The petition states that the surname of the first inventor has changed from "Balfe" to "Corcoran". In accordance with MPEP 605.04, the present petition includes a statement setting forth both names and specifying the procedure whereby the name change was effected. The requisite petition fee under 37 CFR 1.17(f) will be charged to Deposit Account No. 23-3178 as authorized in the petition.

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 17 September 2009 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should indicate that the declaration filed 17 February 2009 is an improper composite document. In particular, the declaration consists of one each of pages 1-3 and two of page 4. It is not acceptable to combine individual pages (e.g. signature pages) from different copies of a declaration into a single document for submission. Where different copies of a declaration are executed, each complete copy of the declaration (or an exact reproduction thereof) must be submitted.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

MAILED

JUL 14 2009

OFFICE OF PETITIONS

Applicant: Albert, et al.
Appl. No.: 12/093,634
International Filing Date: November 13, 2006
Title: NOVEL 2-AMINOPYRIMIDINONE OR 2-AMINOPYRIDINONE DERIVATIVES AND THEIR USE
Attorney Docket No.: 133087.02701(101961-1PUS)
Pub. No.: 2008/0318985 A1
Pub. Date: December 25, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on February 20, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error in several claims in the subscripts and superscripts of some of the compounds.

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

The error in the claims is not a material Office error as the subscripts and superscripts are very small and faint. Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

[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).

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
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Alexandria, Va. 22313-1450

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

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

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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

MAILED

MAY 19 2009

OFFICE OF PETITIONS

Applicant: Albert
Appl. No.: 12/093,646
International Filing Date: November 13, 2006
Title: NOVEL 2-AMINOPYRIMIDINE OR 2-AMINIOPYRIDINONE DERIVATIVES AND THEIR USE
Attorney Docket No.: 133087.03101(101958-1PUS)
Pub. No.: 2008/0255167 A1
Pub. Date: October 16, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 2, 2008, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 27, wherein one of the compounds defining A^1 and A^2 appears out of order from the originally filed application.

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 inclusion of the compound, albeit out of order, in the claim is not a material Office error as it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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

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

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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

MAILED

MAY 19 2009

OFFICE OF PETITIONS

Applicant: Albert
Appl. No.: 12/093,670
International Filing Date: November 13, 2006
Title: NOVEL 2-AMINOPYRIMIDINONE DERIVATIVES AND THEIR USE
Attorney Docket No.: 133087.02801(101959-1PUS)
Pub. No.: 2008/0255164 A1
Pub. Date: October 16, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 2, 2008, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

18 AUG 2008

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HAHN & VOIGHT PLLC
1012 14TH STREET, NW
SUITE 620
WASHINGTON DC 20005

In re Application of	:	
BOLOTIN et al.	:	
Application No.: 12/093,679	:	DECISION ON
PCT No.: PCT/HU2006/000062	:	
Int. Filing Date: 26 July 2006	:	PETITION UNDER
Priority Date: 28 July 2005	:	
Attorney Docket No.: DAN-015 (104228)	:	37 CFR 1.137(b)
For: COLORLESS WATER-SOLUBLE ORGANIC	:	
LUMINOPHORES AND INTERMEDIATES THEREOF	:	

This decision is in response to applicants' submission filed 14 May 2008.

BACKGROUND

On 26 July 2006, applicants filed international application PCT/HU2006/000062 which designated the U.S. and claimed a priority date of 28 July 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 January 2008.

On 14 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 and a petition under 37 CFR 1.137(b).

On 23 May 2008, applicants filed 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.

As to item (1), applicant submitted the U.S. Basic National Fee on 14 May 2008.

As to item (2), applicant submitted the petition fee on 14 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.

The declaration of the inventor filed 23 May 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

28 APR 2009

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233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of	:	DECISION ON
Barthel et al	:	
Application No.: 12/093,710	:	
Int. Application: PCT/EP2006/069103	:	REQUEST UNDER
Int. Filing Date: 30 November 2006	:	
Priority Date: 07 December 2005	:	
Attorney's Docket No.: 29827/43951	:	
For: METHOD FOR THE ... POLYMER PARTICLES	:	37 CFR 1.497(d)

This is a decision on petitioner's "REQUEST PURSUANT TO 37 C.F.R. 1.48(a) TO CORRECT INVENTORSHIP" filed on 07 January 2009, which is being treated as a request under 37 CFR 1.497(d) to add joint inventors Matthias Weismantel, Karin Flore (maiden name: Karin Ax), and Wolfgang Kanther in the executed declaration. A petition fee of $130.00 has been provided by credit card.

BACKGROUND

On 30 November 2006, applicants filed international application No. PCT/EP2006/069103 and claiming a priority date of 07 December 2005.

On 14 May 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration.

On 09 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: includes additional inventors Weismantel, Ax, and Kanther who are not cited in the published application. The notice also indicated that the items set forth above 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.

On 07 January 2009, petitioner filed, inter alia, a request under 37 CFR 1.497(d) to add Matthias Weismantel, Karin Flore (maiden name: Karin Ax), and Wolfgang Kanther in the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or 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 (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied item (2) – (3) under 37 CFR 1.497(d), but not item (1).

With respect to item (1), the statements submitted on 07 January 2009 by Matthias Weismantel, and Wolfgang Kanther are sufficient because the statements state that the error in inventorship occurred without a deceptive intent. However, the statement by Karin Flore is insufficient because the executed declaration as filed is signed by her as Karin Ax and her affidavit is signed as Karin Flore, which is inconsistent. She needs to either submit a new affidavit signed as Karin Ax or an affidavit signed with both names setting forth the procedure whereby the change of name was effected.

With respect to item (2), the processing fee of $130.00 has been provided by credit card.

With respect to item (3), BASF SE, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b), since the assignment has been recorded in USPTO at Reel/Frame 021078/0498.

Accordingly, the request does not meet all the items under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, 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
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UNITED STATES PATENT and TRADEMARK OFFICE

25 AUG 2009

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CHICAGO IL 60606-6357

In re Application of	:	DECISION ON
Barthel et al	:	
Application No.: 12/093,710	:	
Int. Application: PCT/EP2006/069103	:	REQUEST UNDER
Int. Filing Date: 30 November 2006	:	
Priority Date: 07 December 2005	:	
Attorney's Docket No.: 29827/43951	:	
For: METHOD FOR THE ... POLYMER PARTICLES	:	37 CFR 1.182 and 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d), " which is being treated as a petition under 37 CFR 1.182 and 37 CFR 1.497(d) filed on 19 June 2009.

BACKGROUND

In a decision from this Office mailed on 28 April 2008, the decision indicated that the request was dismissed because the request did not satisfy item (1) of 37 CFR 1.497(d).

On 19 June 2009, applicants filed the current petition and the renewed request, which included, *inter alia*, an affidavit in support of the petition to change the name of the inventor from Karin Ax to Karin Flore.

DISCUSSION

37 CFR 1.182

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee of $400.00 has been charged to petitioner's Deposit Account No. 13-2855.

With respect to item (2), petitioner has provided with the petition an affidavit from Karin Flore explaining her named changed from Karin Ax (maiden name, legal name) to Karin Flore (married named), and sets forth the procedure whereby the change of name was effected. She has also signed the affidavit under Karin Flore. Therefore, item (2) has been satisfied.

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**.

37 CFR 1.497(d)

A review of the renewed request reveals that applicant has satisfied item (1) of 37 CFR 1.497(d). The executed declaration filed as been accepted because Karin Flore has explained her name change, and this explains why the name on the Declaration is different from the name on the Request to be added as a co-inventor .

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**.

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **14 May 200**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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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.
12/093,758		Koji KAMEI	Q91630	5589

23373 7590 12/15/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

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.

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

In re Application of
Koji Kamei
Application No.: 12/093,758
Filed: 15 May 2008
Attorney Docket No.: Q91630
For: GALLIUM NITRIDE-BASED COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 15 May 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application 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).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1-7 above are considered to have been met. Therefore, 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 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

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0 8 JUL 2009

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36122
THE OLLILA LAW GROUP LLC
2060 Broadway
Suite 300
Boulder, CO 80302

In re Application of
THOMPSON *et al*
Application No.: 12/093,761
PCT No.: PCT/US2005/043310
Int. Filing Date: 22 November 2005
Priority Date: None
Attorney's Docket No.: 80000/079US
For: VALVE WITH SENSOR

DECISION

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

BACKGROUND

On 15 May 2008, applicants filed papers to enter the national stage of PCT/US2005/043310 using docket number 80000/079US at 10:42:10 which included authorization to charge fees to a credit card. This application was processed by the USPTO as the national stage of PCT/US2005/043310 and denoted as U.S. application number 12/093,761.

A duplicate national stage application of PCT/US2005/043310 was filed on the same day a few minutes earlier at 10:26:40. No fees were provided with these papers. This application was processed by the USPTO and denoted as U.S. application number 12/093,755.

On 21 May 2008, after a telephone call from the undersigned, applicants filed a "Request to Withdraw Duplicate Application" requesting to withdraw the duplicate application and return of any fee paid in the duplicate application.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/US2005/043310. 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.

CONCLUSION

Both applications will be merged into one national stage application for PCT/US2005/043310.

Applicants are advised that U.S. application No. 12/093,755 is no longer a valid U.S. National stage application. No fees were paid in U.S. application No.12/093,755. Hence, no refund is warranted.

Applicants must use only U.S. application No. **12/093,761** for all correspondence to the national stage application of PCT/US2005/043310.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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19 NOV 2008

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
FERGUSON et al.	:	
Application No.: 12/093,769	:	DECISION
PCT No.: PCT/CH2006/000636	:	
Int. Filing Date: 13 November 2006	:	
Priority Date: 16 November 2005	:	
Attorney Docket No.: 0115-081604	:	
For: IMPLANT FOR SEALING AND/OR HEALING DEFECT IN AN ANNULUS OF AN INVERTEBRAL DISC	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 11 September 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) and the Filing Receipt mailed 30 September 2008 were mailed in error and are hereby VACATED.

BACKGROUND

On 13 November 2006, applicants filed international application PCT/CH2006/000636, which designated the United States and claimed a priority date of 16 November 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 24 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2008.

On 15 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 15 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 September 2008, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a declaration of facts by Michael Liebetanz, and a declaration of facts by Harry Frischknecht.

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 inventor Mario Billia refuses to execute the declaration after presentation with a complete copy of the application papers.

Item (4) has not been satisfied. The declaration filed 11 September 2008 is not sufficient because it contains non-initialed alterations (page 3 of the declaration, underneath the name of Thomas Steffen). 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.

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) and the Filing Receipt mailed 30 September 2008 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.** 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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23 MAR 2009

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In re Application of	:	
FERGUSON et al.	:	
Application No.: 12/093,769	:	DECISION
PCT No.: PCT/CH2006/000636	:	
Int. Filing Date: 13 November 2006	:	
Priority Date: 16 November 2005	:	
Attorney Docket No.: 0115-081604	:	
For: IMPLANT FOR SEALING AND/OR HEALING DEFECT IN AN ANNULUS OF AN INVERTEBRAL DISC	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 15 January 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 13 November 2006, applicants filed international application PCT/CH2006/000636, which designated the United States and claimed a priority date of 16 November 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 24 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2008.

On 15 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 15 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 September 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a declaration of facts by Michael Liebetanz, and a declaration of facts by Harry Frischknecht.

On 19 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide 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. Specifically, it was noted that the declaration filed 11 September 2008 was not sufficient because it contained non-initialed alterations (page 3 of the declaration, underneath the name of Thomas Steffen).

On 15 January 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 19 November 2008, items (1), (2), and (3) have been satisfied.

Item (4) still has not been satisfied. The declaration filed 15 January 2009 is not in compliance with 37 CFR 1.497(a)-(b) because it fails to identify all of the inventors. 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.

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/

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Legal Examiner
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13 JUL 2009

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PITTSBURGH PA 15219

In re Application of	:	
FERGUSON et al.	:	
Application No.: 12/093,769	:	DECISION
PCT No.: PCT/CH2006/000636	:	
Int. Filing Date: 13 November 2006	:	
Priority Date: 16 November 2005	:	
Attorney Docket No.: 0115-081604	:	
For: IMPLANT FOR SEALING AND/OR HEALING DEFECT IN AN ANNULUS OF AN INVERTEBRAL DISC	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 14 May 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 13 November 2006, applicants filed international application PCT/CH2006/000636, which designated the United States and claimed a priority date of 16 November 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 24 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2008.

On 15 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 15 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 September 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a declaration of facts by Michael Liebetanz, and a declaration of facts by Harry Frischknecht.

On 19 November 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide 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. Specifically, it was noted that the declaration filed 11 September 2008 was not sufficient because it contained non-initialed alterations (page 3 of the declaration, underneath the name of Thomas Steffen).

On 15 January 2009, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by Thomas Steffen.

On 23 March 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failure to provide 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. Specifically, it was noted that the declaration filed 15 January 2009 was not sufficient because it did not identify all of the inventors.

On 14 May 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a new declaration of inventors signed by Thomas Steffen.

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 19 November 2008, items (1), (2), and (3) have been satisfied.

Item (4) now been satisfied.

Declarations of Inventors

The declarations of inventors filed 11 September 2008 and 14 May 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 **14 May 2009**.

/Daniel Stemmer/

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13 JUL 2009

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Dr. Mario F. Billia
Grossackertrasse 32
CH-9542 Munchwilen
Switzerland

In re Application of
FERGUSON et al.
Application No.: 12/093,769
PCT No.: PCT/CH2006/000636
Int. Filing Date: 13 November 2006
Priority Date: 16 November 2005
Attorney Docket No.: 0115-081604
For: IMPLANT FOR SEALING AND/OR HEALING DEFECT IN AN ANNULUS OF AN INVERTEBRAL DISC

Dear Mr. Billia:

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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28 MAY 2009

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

In re Application of	:	DECISION ON
BRESCH et al	:	
Application No.: 12/093,861	:	
PCT No.: PCT/CH2006/00633	:	PETITION UNDER
Int. Filing Date: 10 November 2006	:	
Priority Date: 15 November 2005	:	
Attorney Docket No.: 326466US28PCT	:	37 CFR 1.182
For: TRIGGER SYSTEM... OCCURRING CYCLONES	:	

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.182 TO CORRECT NAME OF INVENTOR" filed on 25 November 2008. The petition fee of $400.00 has been charged to Deposit Account No. 15-0030 as indicated in the petition.

BACKGROUND

On 15 May 2008, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 25 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) 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 the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 25 November 2008, petitioner submitted the instant petition, which included an affidavit in support of the name change of the inventor from Pamela HECK to Pamela KOELLENR-HECK. In addition, the declaration has been signed by "Pamela KOELLENR-HECK."

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), petitioner has provided with the petition with an affidavit from Pamela KOELLNER-HECK explaining her named changed from Pamela HECK (maiden name, legal name) to Pamela KOELLNER-HECK(married named), and sets forth the procedure whereby the change of name was effected. She has also signed affidavit signed under Pamela KOELLNER-HECK. Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **25 November 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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OFFICE OF PETITIONS

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PITTSBURGH, PA 15219

In re Application of :
Akira Mochizuki, et al. :
Application No. 12/093,889 : ON PETITION
Filed: May 15, 2008 :
Attorney Docket No.: 1217-081600 :

This is a decision in response to the communication, filed March 26, 2010, entitled "Statement Establishing Unintentional Delay" which is being treated as a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).[1]

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed September 17, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 18, 2009. On March 26, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3738 for appropriate action by the Examiner in the normal course of business on the reply received March 26, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] It is noted that a form PTO/SB/64, Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.37(b), accompanied the present communication; however, the lines of the form were all left blank.

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

In re Application of	
HULTIN, Herbert O., et al.	
Application No.: 12/093,900	
PCT No.: PCT/US2006/044453	DECISION ON
Int. Filing Date: 16 November 2006	
Priority Date: 16 November 2005	PETITION
Attorney Docket No.: 07880-137US1	
For: PROCESS FOR IMPROVING WATER HOLDING CAPACITY AND TENDERNESS IN COOKED PROTEIN FOOD PRODUCTS	UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration indicates that joint inventor Herbert O. Hultin is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 July 2008, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 05 September 2008, applicants submitted a translation and a declaration of the inventors with the indication that a joint inventor was deceased.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

First, the declaration appears to list the deceased inventor's citizenship, residence and postal address, but does not also list the citizenship, residence and postal address for the legal representative. Further, in this application, applicants have filed a declaration composed of one page 1, three pages 2 and two pages 3. While it is acceptable for inventors to execute separate copies of the oath or declaration, each oath or declaration must list the inventors and their citizenships and the legal representative must sign an oath or declaration that lists the inventors, their citizenships and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. Finally, the declaration submitted to the Office must be as it was executed by the inventors and legal representative. Pages from separate copies may not be pieced together to create a single composite declaration. MPEP 605.04(a). As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

/Erin P. Thomson/

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MINNEAPOLIS MN 55440-1022

In re Application of	:	
HULTIN, Herbert O., et al.	:	
Application No.: 12/093,900	:	
PCT No.: PCT/US2006/044453	:	DECISION ON
Int. Filing Date: 16 November 2006	:	
Priority Date: 16 November 2005	:	REQUEST
Attorney Docket No.: 07880-137US1	:	
For: PROCESS FOR IMPROVING WATER HOLDING CAPACITY AND TENDERNESS IN COOKED PROTEIN FOOD PRODUCTS	:	UNDER 37 CFR 1.42

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 03 March 2009.

BACKGROUND

On 11 December 2008, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicant's request for status.

On 03 March 2009, applicant submitted a declaration of the inventors and the fee for a one month extension of time.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 03 March 2009 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division 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

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P.O. Box 37428
Raleigh, NC 27627

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OFFICE OF PETITIONS

In re Application of	:	
Werner Braun, et al.	:	
Application No. 12/093,928	:	DECISION ON PETITION
Filed: May 15, 2008	:	TO WITHDRAW
Attorney Docket No. 4379-101	:	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 16, 2009.

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

A review of the file record indicates that the power of attorney to Myers Bigel Sibley & Sajovec has been revoked by the assignee of the patent application on December 31, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **INTELLECTUAL PROPERTY/TECHNOLOGY LAW**
P.O. BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

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MARSHALL, GERSTEIN & BORUN LLP
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CHICAGO IL 60606

In re Application of:
SCHNEIDER, Helge, Jochen, et al.
U.S. Application No.: 12/093,934
PCT No.: PCT/IB2006/054044
International Filing Date: 01 November 2006
Priority Date: 01 November 2005
Atty Dkt No.: 31168/43900
For: A SWIMMING POOL CLEANER

DECISION ON PETITION
(37 CFR 1.137(a))

This decision is issued in response to applicants' "Petition For Revival Of An International Application Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)" filed on 15 May 2008. Applicants have paid the required petition fee.

BACKGROUND

On 01 November 2006, applicants filed international application PCT/IB2006/054044. The international application claimed a priority date of 01 November 2005, and it designated the United States. On 10 may 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., 01 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/IB2006/054044 became abandoned with respect to the U.S. at midnight on 01 May 2008.

On 15 May 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee and the petition for revival under 37 CFR 1.137(a) considered herein.

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must include (1) an adequate verified showing of the cause of

unavoidable delay, (2) a proper response, unless already filed, (3) the applicable petition fee, and (4) by a terminal disclaimer, if necessary.[1]

With respect to item (1), as set forth in MPEP section 711.03(c)(II)(C), the showing of unavoidable abandonment is measured using an exacting standard:

> A showing of unavoidable delay will (in addition to the above) 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. See MPEP § 711.03(c), subsection II.C.2. In addition, a petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a).

Here, the facts set forth in the petition indicate that the docketing clerk for applicants' counsel had responsibility for docketing the national stage deadline, that this clerk left counsel's employ on 16 April 2008, and that counsel did not learn of the deadline for national stage entry until he reviewed a portfolio report for the assignee on 11 May 2008, after the expiration of the thirty-month deadline. These materials do not satisfy the stringent requirements for demonstrating that the abandonment was unavoidable. For example, petitioner has not provided a detailed explanation of his docketing system (including evidence concerning procedures in place that should have avoided the error here), nor has petitioner provided a detailed description of the actions taken by counsel to insure that all docketing information was properly accounted for in light of his docketing clerk's impending departure (the statement indicates that the clerk informed counsel of her pending departure in March 2008, weeks before her eventual departure). The petition also fails to provide a detailed description of actions taken by counsel and/or other employees in counsel's office after the clerk's departure to insure that all deadlines were properly docketed, or evidence that the clerk in question and/or other employees of counsel were sufficiently trained and experienced to carry out their assigned duties. Petitioner has also failed to supply any supporting documents to support the assertions made in the petition.

Based on the above, applicants have not provided an acceptable showing that the entire delay between the deadline for entering the U.S. national stage and the filing of the U.S. national stage and present petition for revival was unavoidable. Item (1) of a grantable petition is therefore not satisfied.

Regarding item (2), the proper response required here was the filing of a U.S. national stage application and payment of the basic national fee. The present petition was accompanied by such submission. Accordingly, item (2) is satisfied.

---

[1] It is noted that the terminal disclaimer element does not apply to the present application.

Regarding item (3), the present petition included the required small entity petition fee. Accordingly, item (3) is satisfied (as noted above, item (4) does not apply to the present application).

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a), the petition cannot be granted at this time.

CONCLUSION

The petition to revive the application with respect to the United States under 37 CFR 1.137(a) is **DISMISSED** without prejudice. The application remains **ABANDONED** with respect to the United States.

If applicants seek reconsideration of the decision, a renewed petition must be submitted within **TWO (2) MONTHS** from the mail date of this decision.

As an alternative to a renewed petition, applicants may consider filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), if applicants determine that such a petition would be more appropriate under the present circumstances.

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Richard M. Ross
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In re Application of:
SCHNEIDER, Helge, Jochen, et al.
U.S. Application No.: 12/093,934
PCT No.: PCT/IB2006/054044
International Filing Date: 01 November 2006
Priority Date: 01 November 2005
Atty Dkt No.: 31168/43900
For: A SWIMMING POOL CLEANER

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 18 November 2008. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 01 October 2008. The decision dismissed applicants' petition for revival under 37 CFR 1.137(a) for failure to satisfy all the requirements for a grantable petition.

On 18 November 2008, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSION

The present petition for revival was accompanied by payment of the required petition fee. Applicants had previously submitted, on 15 May 2008, the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee.

The 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." This statement, in combination with the materials included with the previous petition, satisfy 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 with respect to the U.S. is appropriately granted.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) filed 18 November 2008 in the above-captioned application is hereby **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 applicants have not submitted an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
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Office of PCT Legal Administration
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0 2 DEC 2008

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Shoemaker and Mattare, LTD
10 Post Office Road - Suite 110
Silver Spring, MD 20910

In re Application of :
PICCOLI et al. :
U.S. Application No. 12/094,032 :
PCT No.: PCT/IT05/00667 :
Int. Filing Date: 16 November 2005 :
Priority Date: None : DECISION ON PETITION
Attorney Docket No.: 6223 :
For: DEVICE FOR CONTROLLING THE PISTON ROLL-BACK :

The petition to revive under 37 CFR 1.137(b) filed 25 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 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
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13 JUL 2009

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In re Application of :
PICCOLI et al. :
U.S. Application No. 12/094,032 : DECISION ON PETITION
PCT No.: PCT/IT05/00667 :
Int. Filing Date: 16 November 2005 :
Priority Date: None :
Attorney Docket No.: 6223 :
For: DEVICE FOR CONTROLLING THE PISTON ROLL-BACK

This decision is issued in response to applicants' "Second Request - Petition for Refund" filed 08 April 2009.

The request for refund is **DISMISSED** without prejudice.

This application became abandoned for failure to provide the full U.S. Basic National Fee by 30 months from the priority date (37 CFR 1.495(b)(2)). Applicants filed a petition to revive under 37 CFR 1.137(b) on 25 July 2008. The petition was granted on 02 December 2008.

Applicants request a refund of the Petition to Revive fee submitted on 25 July 2008. Applicants state, "[w]hen we filed this national stage application electronically on May 16, 2008 . . . we received a serial number and electronic acknowledgement receipt, and no alert was issued warning of non-payment of the basic national fee." However, the above-identified application is brought under 35 U.S.C. 371. In such applications, 37 CFR 1.495(b)(2) requires the payment of the full basic national fee no later then 30 months from the priority date, or in this case, the international filing date. Additionally, upon completion of the electronic filing, applicants received an Electronic Acknowledgement Receipt which indicated that "no payment" was received. (The Acknowledgement Receipt is the electronic equivalent of the post card receipt described in MPEP 503. See http://www.uspto.gov/ebc/ portal/efs/legal.htm.)

Further, the phrase "[o]n filing" in 35 U.S.C. 41(a) (7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office will not

refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is granted, dismissed or denied.

If reconsideration of the merits of this petition is desired, a "Renewed Request for Refund" must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/094,050	02/06/2009	Takeshi Sakamoto	46884-5637	8287

55694 7590 11/19/2009

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
ART UNIT	PAPER NUMBER
2812	

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.

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DRINKER, BIDDLE & REATH, L.L.P.
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WASHINGTON, DC 20005-1209

In re Application of	**: DECISION ON REQUEST TO**
Takeshi SAKAMOTO	**: PARTICIPATE IN THE PATENT**
Application No.: 12/094,050	**: PROSECUTION HIGHWAY**
Filed: 06 February 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 46884-5637	**: TO MAKE SPECIAL UNDER**
For: LASER PROCESSING METHOD	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 10 July 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application 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

15 SEP 2008

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LOS ANGELES CA 90010

In re Application of	:	DECISION
KIM et al.	:	
Application No.: 12/094,129	:	
PCT No.: PCT/KR2006/004936	:	
Int. Filing Date: 23 November 2006	:	
Priority Date: 25 November 2005	:	
Attorney Docket No.: 2060-07	:	
For: INTERACTIVE MESSAGE SERVICE SYSTEM AND ITS METHOD	:	

This decision is in response to applicants' petition under 37 CFR 1.497(d) filed on 16 May 2008.

BACKGROUND

On 23 November 2006, applicants filed international application PCT/KR2006/004936, which designated the United States and claimed a priority date of 23 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 May 2008.

On 16 May 2008, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the instant petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
(2) The processing fee set forth in Sec. 1.17(i); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
(4) Any new oath or declaration required by paragraph (f) of this section.

Applicants have satisfied items (1) and (2). Item (4) is not required.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. A proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
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24 NOV 2008

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In re Application of	:	DECISION
YOO, Chung Man	:	
Application No.: 12/094,129	:	
PCT No.: PCT/KR2006/004936	:	
Int. Filing Date: 23 November 2006	:	
Priority Date: 25 November 2005	:	
Attorney Docket No.: 2060-07	:	
For: INTERACTIVE MESSAGE	:	
SERVICE SYSTEM AND ITS METHOD	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.497(d) filed on 20 September 2008.

BACKGROUND

On 23 November 2006, applicant filed international application PCT/KR2006/004936, which designated the United States and claimed a priority date of 25 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 May 2008 (25 May 2008 being a Sunday and 26 May 2008 being a Federal holiday).

On 16 May 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.497(d).

On 15 September 2008, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.497(d). Specifically, it was noted that if an assignment had been executed, the written consent of the assignee and a proper showing under 37 CFR 3.73(b) were required.

On 20 September 2008, applicant filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by a proper showing under 37 CFR 3.73(b) and a consent of assignee statement.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 15 September 2008, applicant has satisfied items (1) and (2) and item (4) is not required.

Item (3) has now been satisfied.

Declaration of the Inventor

The declaration of the inventor filed 16 May 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Chung Man Yoo as inventor.

/Daniel Stemmer/

Daniel Stemmer
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14 NOV 2008

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ALEXANDRIA, VA 22314

In re Application of PERRUT et al	:	
U.S. Application No.: 12/094,158	:	
PCT Application No.: PCT/FR2006/002149	:	DECISION
Int. Filing Date: 20 September 2006	:	
Priority Date Claimed: 21 September 2005	:	
Attorney Docket No.: 2001-1575	:	
For: METHOD FOR PREPARING A SAMPLE	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" filed 19 May 2008.

BACKGROUND

On 20 September 2006, applicant filed international application PCT/FR2006/002149, which claimed priority of an earlier France application filed 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 on 21 March 2008.

On 22 March 2008, international application PCT/FR2006/002149 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 May 2008, applicant filed the present petition under 37 CFR 1.137(b).

On 25 September 2008, applicant filed an executed declaration.

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 20 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 September 2008.

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

Bryan Lin

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19 SEP 2008

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Baker & Hostetler LLP
Attn: Jim Coffman
45 Rockefeller Plaza
New York NY 10111

In re Application of :
JU, et al. :
Application No.: 12/094,217 :
PCT No.: PCT/KR06/04878 : DECISION ON PAPERS
Int. Filing Date: 20 November 2006 :
Priority Date: 18 November 2005 : UNDER 37 CFR 1.42
Attorney Docket No.: DE1812 :
For: WHITE, POROUS, SINGLE-LAYER :
POLYESTER FILM AND METHOD FOR :
PREPARING SAME :

This decision is in response to applicant's correspondence filed 15 September 2008 in the United States Patent and Trademark Office (USPTO). 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 20 November 2006, applicant filed international application PCT/KR06/04878, which claimed priority of an earlier application filed 18 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 May 2007. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 May 2008.

On 19 May 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 15 September 2008, applicant filed 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 15 September 2008 was executed by Hye Young Bae as legal representative of the estate of deceased inventor, Yun Su Kim. The declaration provides the citizenship, residence and mailing address 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 20 November 2006 and will be given a date of **15 September 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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0 6 AUG 2009

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In re Application of YANO et al :
U.S. Application No.: 12/094,228 :
PCT Application No.: PCT/JP2006/322808 :
Int. Filing Date: 16 November 2006 :
Priority Date Claimed: 18 November 2005 : DECISION
Attorney Docket No.: HEIWA-0017 :
For: SEMICONDUCTOR THIN FILM, METHOD FOR PRODUCING SAME, THIN FILM TRANSISTOR AND ACTIVE-MATRIX-DRIVEN DISPLAY PANEL :

This is in response to applicant's correspondence filed 19 May 2008, which is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 16 November 2006, applicant filed international application PCT/JP2006/322808, which claimed priority of an earlier Japan application filed 18 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 24 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 19 May 2008 (18 May 2008 was a Sunday).

On 19 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) and the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that joint inventor Nobuo Tanaka is deceased.

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 19 May 2008 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 November 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 May 2008.

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

Bryan Lin

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25 SEP 2008
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In re Application of: GRIMALDI	:	DECISION
U.S. Application No.: 12/094,239	:	
PCT Application No.: PCT/IB06/51340	:	ON
Int. Filing Date: 28 April 2006	:	
Priority Date: 06 May 2005	:	PETITION
Atty Docket No.: Q108238	:	
For: MANUAL GANGWAY FOR BOAT	:	UNDER
	:	
	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 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.

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.

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PCT Special Programs, Detailee
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Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

29 OCT 2008

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CANTOR COLBURN, LLP
20 Church Street
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Hartford CT 06103

In re Application of :
RHO :
U.S. Application No. 12/094,247 :
PCT No.: PCT/KR2006/004852 :
Int. Filing Date: 17 November 2006 : DECISION ON PETITION
Priority Date: 18 November 2005 : (37 CFR 1.182)
Attorney Docket No.: BIP-0032 :
For: CLOSURE OF VESSEL AND PROCESS :
FOR MANUFACTURING SAME :

This decision is issued in response to applicant's "Petition Pursuant to 37 CFR 1.182" filed 21 October 2008 in the United States Patent and Trademark Office (USPTO) that seeks to correct the international application number on the national stage application papers filed 19 May 2008 so as to allow such materials to be treated as the U.S. national stage of PCT/KR2006/004852. Applicant is advised that the petition fee is $400.00. As such, Deposit Account No. 06-1130 will be charged an additional $270 to meet the required $400 petition fee.

BACKGROUND

On 17 November 2006, applicants filed international application PCT/KR2006/004852, which claimed a priority date of 18 November 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, 18 May 2008.

On 19 May 2008, applicant 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 12/094,247.

The materials filed 19 May 2008 included an Application Data Sheet that identified the application as a U.S. national stage of PCT/KR2006/004852, filed 17 November 2006. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/KR2006/004858. Thus, applicants' 19 May 2008 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/KR2006/004852 and PCT/KR2006/004858.

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/KR2006/004858, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 18 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required. The notification identified the international application number as PCT/KR2006/004858.

On 21 October 2008, applicants a petition under 37 CFR 1.182 to correct the bibliographic data error.

DISCUSSION

As noted above, the bibliographical data provided by applicants incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 19 May 2008 can be treated as having been directed to international application PCT/KR2006/004852, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 21 October 2008, applicant confirms that the listing of international application PCT/KR2006/004858 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/KR2006/004852. It is noted that the correct international application number was listed on the Application Data Sheet filed 19 May 2008. The present petition is accompanied by payment of the required petition fee and properly identifies the application as the national stage of PCT/KR2006/004852. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 19 May 2008 and to permit such materials to be treated as having been directed to international application PCT/KR2006/004852.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 19 May 2008 have been assigned U.S. application number 12/094,247 and will be treated as the national stage of PCT/KR2006/004852.

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.

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

11 JUN 2008

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Patrick A. Hilsmier
Global IP Counselors, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036-2680

In re Application of	:	
Yabu et al	:	DECISION ON REQUEST TO
Application No. 12/094,252	:	PARTICIPATE IN NEW ROUTE
Filed: May 19, 2008	:	PILOT PROJECT
Int'l filing date: November 21, 2006	:	AND
Attorney Docket No.: DK-US050973	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the New Route pilot project and the petition under 37 CFR 1.102(d), filed May 19, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the New Route pilot project and petition to make special require:

(1) The U.S. application to be a national stage entry of a PCT application filed with the JPO as the PCT receiving Office;
(2) The PCT application must either contain a priority claim to a single priority application filed in the JPO or contain no priority claim;
(3) Where the PCT application contains a priority claim to a single priority application filed in the JPO, a first action on the merits (search and examination results) for the priority application must be available no later than 26 months from the priority date;
(4) Applicant must separately submit the following items at the same time as entry into the national stage of the PCT application in the USPTO:

(a) A request to participate in the New Route pilot project and a petition to make the U.S. national stage application special along with the required petition fee;
(b) Applicant must submit a copy of the claim(s) searched and examined by the JPO along with an English translation thereof;
(c) Applicant must submit a copy of the first office action by the JPO along with an English translation thereof;
(d) A statement that the translations are accurate; and
(e) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action (if appropriate) together with copies of all the documents except U.S. patents or U.S. patent application publications.

The request to participate in the New Route pilot project 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 Magdalen Greenlief at 571-272-8140.

All other inquiries concerning the examination or status of the application should be directed to Technology Center 2800.

Once national stage processing of the above-identified application is complete, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Magdalen Greenlief
Senior Legal Advisor
Office of the Deputy Commissioner for
Patent Examination Policy

19 SEP 2008

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Drinker Biddle & Reath LLP
Attn: Patent Docket Dept.
191 N. Wacker Drive, Suite 3700
Chicago, IL 60606

In re Application of:
WELLMAN, Craig John
Application No.: 12/094,262
Int. Application No.: PCT/AU06/00932
Int. Filing Date: 30 June 2006
Priority Date: 01 July 2005
Attorney Docket No.: P2908US
For: A CLOSURE

DECISION ON PETITIONS
UNDER
37 CFR 1.137(a)
and
37 CFR 1.137(b)

This decision is issued in response to applicant's Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a) and 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 on 19 May 2008.

BACKGROUND

On 30 June 2006, applicant filed international application PCT/AU06/00932 which claimed a priority date of 01 July 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 January 2008.

On 19 May 2008, applicant submitted a request 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; a copy of the international application; a "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a)" and a "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)."

DECISION

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). Petitioner has satisfied items (1), (2),and (4).

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.

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 fro 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 payment of the basic national fee, which has been previously submitted.

As to Item (2), the appropriate petition fee as required by 37 CFR 1.17(m) will be charged to counsel's deposit account.

With regard to Item (3), applicant's statement that "the entire delay in filing the required reply from the due date until the filing of the petition 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

The petition under 37 CFR 1.137(a) is DISMISSED without prejudice.

The 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 oath or declaration along with the $65 surcharge for filing the oath or declaration after the thirty-month period is required.

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

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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

MAILED

JUN 09 2009

OFFICE OF PETITIONS

Applicants: Berg, et al.
Appl. No.: 12/094,276
International Filing Date: November 20, 2006
Title: Novel 2-Amino-Imidazole-4-One Compounds And Their Use In The Manufacture Of A Medicament To Be Used In The Treatment Of Cognitive Impairment, Alzheimer's Disease, Neurodegeneration And Dementia
Attorney Docket No.: 133087.23501(102065-1PUS)
Pub. No.: 2008/0293718 A1
Pub. Date: November 27, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on January 27, 2009 for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/094,299	11/18/2008	Hafedh Trigui	22762	1078

23389 7590 12/30/2009

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/30/2009	PAPER

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

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

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

In re Application of	:	
TRIGUI, HAFEDH et al.	:	DECISION ON REQUEST TO
Application No. 12/094,299	:	PARTICIPATE IN PATENT
Filed: November 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **22762**	:	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 November 6, 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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO 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 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.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.2

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27 OCT 2009

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of :
UMENO, et al. :
Application No.: 12/094,337 :
PCT No.: PCT/JP2006/321697 : DECISION ON PAPERS
Int. Filing Date: 31 October 2006 :
Priority Date: 21 November 2005 : UNDER 37 CFR 1.42
Attorney Docket No.: HEIWA-0014 :
For: TRANSPARENT CONDUCTIVE FILM, AND SUBSTRATE, ELECTRONIC DEVICE...USING THE SAME :

This decision is in response to applicant's declaration filed 20 May 2008 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 31 October 2006, applicant filed international application PCT/JP2006/321697 which claimed priority to an earlier application filed 21 November 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 May 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 21 May 2008.

On 20 May 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed; a preliminary amendment and an executed declaration of the inventors.

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."

In addition to the inventors listed on the published international application, the submitted declaration was executed by Tokie Tanaka as legal representative to the estate of deceased

inventor, Nobuo Tanaka. The declaration provides the residence, citizenship and mailing addresses of the signing legal representative and the citizenship of the deceased inventor per 37 CFR 1.497(a)(3). The declaration properly identifies and has been signed by the remaining inventors and therefore complies with 37 CFR 1.497(a)-(b).

For the reasons stated above, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42 at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 31 October 2006 and will be given a date of **20 May 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

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09 FEB 2009

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37705
GREENBERG TRAURIG, LLP
1200 Seventeenth Street, Suite 2400
Denver, CO 80202

In re Application of :
BLOM, Marie-Jose :
Application No.: 12/094,369 :
PCT No.: PCT/GB2004/050046 :
Int. Filing Date: 21 November 2006 : **DECISION**
Priority Date: 21 November 2005 :
Attorney Docket No.: 091706-010102 :
For: SPINAL SUPPORT DEVICE :

This decision is in response to the papers filed 24 September 2008 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 13 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicant was given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 24 September 2008, applicant filed an executed declaration and surcharge fee. The name of an inventor was listed as Marie-Jose BLOM on the declaration. However, the name of the inventor was recorded as Marie-Jose BLOM-LAURENCE on the international publication.

DISCUSSION

Applicant's response filed 24 September 2008 is treated as a petition to change the name of the inventor pursuant to 37 CFR 1.182.

Section 605.04(c), *Inventor Changes Name*, of the Manual of Patent Examining Procedures (MPEP) discusses this type of petition and states, in part:

> The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The $400.00 petition fee has been charged to Deposit Account No. 50-2638 as

authorized. However, applicants failed to provide a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or provide a copy of the court order changing the name of the inventor.

As such, the petition to change the name of the inventor cannot be granted at this time.

CONCLUSION

For the reason discussed above, applicant's petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The declaration filed 24 September 2008 is not yet in compliance with 37 CFR 1.497(a) and (b).

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. 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 the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

18 MAY 2009

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37705
GREENBERG TRAURIG, LLP
1200 Seventeenth Street, Suite 2400
Denver, CO 80202

In re Application of
BAX, Marie-Jose
Application No.: 12/094,369
PCT No.: PCT/GB2004/050046
Int. Filing Date: 21 November 2006
Priority Date: 21 November 2005
Attorney Docket No.: 091706-010102
For: SPINAL SUPPORT DEVICE

DECISION

This decision is in response to the renewed petition under 37 CFR 1.182 filed 18 March 2009.

BACKGROUND

On 09 February 2009, a decision dismissing applicant's petition to change the name of an inventor was mailed. Applicant was given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 18 March 2009, applicant filed a renewed petition which was accompanied by, *inter alia*, a statement of the inventor, a copy of the divorce order, and a newly executed declaration.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and 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.

In the original petition to change her name, applicant submitted the $400.00 petition fee but did not provide an affidavit signed by the inventor whose name had changed as required. As such, the petition was dismissed.

In the renewed petition, applicant has provided a statement by the inventor who listed all her names chronologically and stated that her name has now been changed

back to her maiden name, Marie-Jose Bax. A new declaration signifying the name change to Marie-Jose Bax was provided. Ms. Bax states that the name change resulted from a divorce. A copy of the divorce papers was provided.

This is sufficient for a grantable petition.

CONCLUSION

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

The inventor's name has been changed to Marie-Jose Bax.

Applicants also state that "due to a clerical error" counsel misspelled the inventor's name on the international application as "Blom-Laurence" instead of "Blom-Lawrence." The subject petition to change the inventor's name has made this spelling mistake moot in the United States.

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 November 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 March 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

21 JUL 2008

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MICHAEL BEST & FRIEDRICH LLP
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Suite 3300
MILWAUKEE WI 53202

In re Application of :
ACHTELIK, Carsten et al. :
U.S. Application No.: 12/094,390 :
PCT No.: PCT/EP2006/005558 :
Int. Filing Date: 09 June 2006 : DECISION
Priority Date: 08 December 2005 :
Attorney Docket No.: 038249-9013-00 :
For: MULTI-STEP HELICAL SCREW :
COMPRESSOR UNIT :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 09 June 2006, applicant filed international application PCT/EP2006/005558, claiming a priority date of 08 December 2005. A copy of the international application was transmitted to the Office by the International Bureau on 14 June 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 08 June 2008.

On 20 May 2008, applicant filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee. It was assigned the above US application number. However, the national phase entry of the above international application had previously been assigned to 11/630,776.

DISCUSSION

A review of the originally filed correspondence assigned 11/630,776 reveals it was not an application filing and it was clearly not a national phase entry of PCT/EP2006/005558.

All future correspondence in regards to the national phase of PCT/EP2006/005558 should use the 12/094,390.

CONCLUSION

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents,

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

This application is being referred to the National Stage Processing Division of the Office of Patent Application Processing for further processing consistent with this decision, including mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a)-(b) is required. The current declaration fails to list the sixth inventor on the declaration executed by five of the inventors.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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HUNTSMAN INTERNATIONAL LLC
LEGAL DEPARTMENT
10003 WOODLOCH FOREST DRIVE
THE WOODLANDS, TX 77380

Mail Date: 04/21/2010

Applicant	: Jean-Marie Sire	: DECISION ON REQUEST FOR
Patent Number	: 7604669	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/094,429	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/21/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 OCT 2008

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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD, SUITE 407
STAMFORD CT 06902

In re Application of: HARRISON, Ian	:	
U.S. Application No.: 12/094,444	:	DECISION ON PETITION
PCT No.: PCT/GB2006/002895	:	
International Filing Date: 03 August 2006	:	
Priority Date: 05 August 2005	:	
Atty Docket No.: UDL-148	:	
For: EYE-GUARD	:	

The petition for revival under 37 CFR 1.137(b) filed 21 May 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/GB2006/002895 became abandoned with respect to the United States at midnight on 05 February 2008 for failure to request entry into the national stage and submit the basic national fee prior to the expiration of thirty months from the priority date.

The present petition includes the petition fee and the "required reply" in the form of a request for entry into the national stage and payment of the small entity basic national fee. The petition also includes the 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." This statement, in combination with the statement of Ian Harrison discussing the details of the delay herein, is accepted as 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 for revival of the international application with respect to the United States of America 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 submitted an executed declaration in compliance with 37 CFR 1.497.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

JUL 14 2009

OFFICE OF PETITIONS

Applicants: Templier, et al.
Appl. No.: 12/094,521
International Filing Date: November 20, 2006
Title: PROCESS FOR FABRICATING A FLEXIBLE ELECTRONIC DEVICE OF THE SCREEN TYPE, INCLUDING A PLURALITY OF THIN-FILM COMPONENTS
Attorney Docket: 9905-75 (BIF116809/US)
Pub. No.: US 2008/0309867 A1
Pub. Date: December 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 5, 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.

Note: The Electronic Acknowledgement Receipt received by the Office on May 21, 2008, July 2, 2008 and September 29, 2008, has Vida Kampstra as the Inventor. Please take note of this in the future.

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

0 1 SEP 2009

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02512
PERMAN & GREEN
425 Post Road
Fairfield, CT 06824

In re Application of :
PARK *et al* :
U.S. Application No.: 12/094,545 :
PCT No.: PCT/KR2006/004894 :
Int. Filing Date: 21 November 2006 : **DECISION**
Priority Date: 21 November 2005 :
Docket No.: 1111-013446-US (PAR) :
For: GAIT TRAINER PROVIDING :
EXERCISE PRESCRIPTION :

This is a decision on the request to add an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed on 13 March 2009 and 17 March 2009.

BACKGROUND

On 13 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), additional claim fees and a surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 13 November 2008, applicants submitted the required fees and a declaration listing two inventors, Seung-Hun Park and Gon Khang, along with a one-month extension and fee.

On 29 December 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 13 November 2008 was not in compliance with 37 CFR 1.497(a) and (b) because the international publication listed only one inventor on the international application. Applicants were given one month to respond, or any time remaining on the Form PCT/DO/EO/905.

On 13 March 2009, applicants filed a response which was accompanied by, *inter alia*, a request to add an inventor under 37 CFR 1.497(d), a $130.00 processing fee, a five-month extension and fee, and a consent of the assignee along with three statements under 37 CFR 3.73(b).

On 17 March 2009, applicants filed a statement of consent by Gon Khang (the inventor being added).

DISCUSSION

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

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(l); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed the requisite statement by Mr. Gon Khang. The processing fee of $130.00 has been paid. Applicants also submitted a consent of assignee signed by three officers of KLMED Co. Ltd. A "Statement Under 37 CFR 3.73(b)" executed by each the three officers attesting that they have authority to act on behalf of the assignee was also provided. An assignment to KLMED Co. Ltd. was also recorded in the subject application. Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add an inventor under 37 CFR 1.497(d) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 November 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 November 2008.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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RANBAXY, INC.
INTELLECTUAL PROPERTY
DEPARTMENT
600 COLLEGE ROAD EAST
PRINCETON, NJ 08540

COPY MAILED
JAN 25 2010

Applicant: Upadhyay, et al.
Appl. No.: 12/094,645
International Filing Date: November 22, 2006
Title: USE OF MACROLIDE DERIVATIVES FOR TREATING ACNE
Attorney Docket: RLL-795US
Pub. No.: US 2009/0075916 A1
Pub. Date: March 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 12, 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 filed with the application on May 22, 2008 was not included in the publication.

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). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[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).

Since 1997, the Office has encouraged applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and divisional applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application. In order to have a patent application publication of a continuation or divisional application contain only a desired set of claims, rather than the set of claims in the prior application, the Office strongly recommended that the continuation or divisional application be filed under 37 CFR 1.53(b) with a new specification containing only the desired set of claims.

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 May 12, 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.

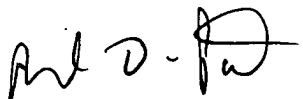
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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

14 JUL 2009

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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

In re Application of	:	DECISION ON REQUEST
FANG et al.	:	
Application No.: 12/094,739	:	FOR WITHDRAWAL
Attorney's Docket No.: UTSC:976US	:	
For: ONCOGENIC RAS-SPECIFIC CYTOTOXIC COMPOUND AND METHODS OF USE THEREOF	:	AS ATTORNEY

This is in response to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT" filed 21 October 2008. Jeffrey Whittle has requested that the practitioners of record associated with Customer No. 35979 be withdrawn as attorney or agent of record. No fee is required.

Customer No. 35979 was erroneously entered as the Customer No. for the instant application. Accordingly, the request to withdraw as attorney of record is **GRANTED**.

All future communications will be forwarded to

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

In view of the above discussion, the Request for Withdrawal is **GRANTED**.

A copy of this decision and the withdrawal request will be forwarded to Customer No. 32425.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (271) 272-3301
Facsimile: (571) 273-0459

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

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

Mail Date: 04/21/2010

Applicant	: Reinhard Wolfgang Quindt	: DECISION ON REQUEST FOR
Patent Number	: 7581776	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/094,741	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/22/2008	: 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/094,745	05/22/2008	Toru Nakakubo	03500.134228.	4922

5514 7590 06/02/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
KWON, ASHLEY M	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
06/02/2010	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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BC

June 2, 2010

In re application of Toru Nakakubo Serial No. 12/094,745 Filed: May 22, 2008 For: CONNECTION MECHANISM FOR FLUID PIPINGS, MANUFACTURING METHOD FOR THE SAME, AND FUEL CELL SYSTEM INCLUDING CONNECTION MECHANISM FOR FLUID PIPINGS	: : : : : : : : :	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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to 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

24 MAR 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

In re Application of	:	
MEZGER, Klaus, et al.	:	
Application No.: 12/094,781	:	DECISION ON
PCT No.: PCT/EP2006/010603	:	
Int. Filing Date: 06 November 2006	:	PETITION UNDER
Priority Date: 25 November 2005	:	
Attorney Docket No.: 08-245	:	37 CFR 1.47(b)
For: SENSOR ELEMENT FOR OPENING OF DOORS AND GATES	:	

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 23 January 2009.

BACKGROUND

On 25 July 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 23 January 2009, applicant submitted this petition under 37 CFR 1.47 accompanied by the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (4) and (6) have been met. (1) The $200 petition fee has been paid. (3) Applicant states the last known address of Klaus Mezger as Robach 27, 9038 Rehetobel, Switzerland and of Leon Audergon as Speicherstrasse 25, 9000 St. Gallen, Switzerland. (4) The declaration complies with 37 CFR 1.497(a)-(b) and 1.47. (6) Applicant has demonstrated that irreparable harm will result if the application is not permitted to proceed.

Item (2) has not been satisfied. Applicants have not documented presentation to the inventors of a complete copy of the application papers. It is unclear what was presented to the inventor. Copies of documentary evidence including copies of letters should be included. If the

package did not include a *complete* copy of the application papers and an oath or declaration, then the presentation is not sufficient. Further, the statement of facts in support of the petition states that "the firm" mailed application papers. The firm only acts through its employees. The person who prepared and mailed the package, who thereby possesses first hand knowledge of the mailing should be making the statement of facts.

Item (5) has not been satisfied. Applicant has not provided appropriate evidence of proprietary interest in the application. MPEP 409.03(f). In the absence of an assignment or an agreement to assign, applicant may establish a proprietary interest by an appropriate legal memorandum:

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

CONCLUSION

For the above reasons, applicant's 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. 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(b)". No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

10 SEP 2009

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

In re Application of	:	
MEZGER, Klaus, et al.	:	
Application No.: 12/094,781	:	DECISION ON
PCT No.: PCT/EP2006/010603	:	
Int. Filing Date: 06 November 2006	:	PETITION UNDER
Priority Date: 25 November 2005	:	
Attorney Docket No.: 08-245	:	37 CFR 1.47(b)
For: SENSOR ELEMENT FOR OPENING OF DOORS AND GATES	:	

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 21 May 2009.

BACKGROUND

On 24 March 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(b), dismissing applicant's petition without prejudice.

On 21 May 2009, applicant submitted this renewed petition under 37 CFR 1.47 accompanied by a declaration of the inventors.

DISCUSSION

Applicant has supplied a declaration executed by the inventors; the petition under 37 CFR 1.47(b) is moot.

The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing to continue national stage processing of the application. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of **21 May 2009**.

/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 OCT 2008

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

In re Application of	:	
Parmar	:	
Application No.: 12/094,836	:	
PCT No.: PCT/US2006/061502	:	
Int. Filing Date: 01 December 2006	:	DECISION
Priority Date: 06 December 2005	:	
Attorney Docket No.: 064311-1903	:	
For: Formulation Of Insoluble Small Molecule Therapeutics In Lipid-Based Carriers	:	

The petition to revive under 37 CFR 1.137(b) filed on 19 August 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 reply until the filing of this 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. It is noted that petitioner refers to a CPA application, but has actually filed the required reply in the form of the basic national fee rather than a CPA. No request (or fee) for a CPA is present in the application file as of the date of this Decision.

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). The surcharge under 37 CFR 1.492(h) has been paid.

/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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/094,914	05/23/2008	Motoi Ogasawara	TOH1804-003	6431

EXAMINER

7590 01/07/2010

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
01/07/2010	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.

Patent Publication Branch
Office of Data Management

20 JUL 2009

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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of	:	
REASON, Andrew, et al.	:	
Application No.: ~~12/096,040~~	12/094,930	DECISION
PCT No.: PCT/GB2006/004406	:	
Int. Filing Date: 24 November 2006	:	ON REQUEST UNDER
Priority Date: 25 November 2005	:	
Attorney's Docket No.: UDL-152	:	37 CFR 1.497(d)
For: WASHING APPLIANCE	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 26 June 2009.

BACKGROUND

On 27 May 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the inventors in the declaration did not match the inventors in the international application and that there was an inventor missing from the declaration. It further indicated that an oath or declaration in compliance with 37 CFR 1.497(a)-(b)was required.

On 26 June 2009, applicant filed this petition to add an inventor to the application.

DISCUSSION

Applicants file this request to remove Jamie Luxmoore, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants have not indicated that the application rights have not been assigned and the written consent of the assignee in compliance with 37 CFR 3.73 has not been furnished.

Copied from 12096040 on 09/29/2009

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

Copied from 12096040 on 09/29/2009

30 SEP 2009

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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of	:	
REASON, Andrew, et al.	:	
Application No.: 12/094,930	:	DECISION
PCT No.: PCT/GB2006/004406	:	
Int. Filing Date: 24 November 2006	:	ON REQUEST UNDER
Priority Date: 25 November 2005	:	
Attorney's Docket No.: UDL-152	:	37 CFR 1.497(d)
For: WASHING APPLIANCE	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 18 September 2009.

BACKGROUND

On 20 July 2009, the Office mailed Decision On Request Under 37 CFR 1.497(d). The decision erroneously indicated in the heading information that it was directed to application no. 12/096,040. That indication has been corrected in the file.

On 18 September 2009, applicant filed this renewed petition.

DISCUSSION

Applicants file this request to remove Jamie Luxmoore, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. The statement is only as to inventors Reason, Rabaiotti and Osgood. The originally named inventors include Jamie Luxmoore, the inventor being removed. A statement that he has not executed an assignment or if he has, written consent in compliance with 37 CFR 3.73 is required.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

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

/Erin P. Thomson/

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2 1 JAN 2010

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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of	:	
REASON, Andrew, et al.	:	
Application No.: 12/094,930	:	DECISION
PCT No.: PCT/GB2006/004406	:	
Int. Filing Date: 24 November 2006	:	ON REQUEST UNDER
Priority Date: 25 November 2005	:	
Attorney's Docket No.: UDL-152	:	37 CFR 1.497(d)
For: WASHING APPLIANCE	:	

This decision is in response to applicants' renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 11 November 2009.

BACKGROUND

On 30 September 2009, the Office mailed Decision On Request Under 37 CFR 1.497(d) refusing applicants' request.

On 11 November 2009, applicant filed this renewed request.

DISCUSSION

Applicants file this request to remove Jamie Luxmoore, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has now been satisfied.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

Application No. 12/094,930

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

07 JAN 2010

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

In re Application of MIKOSHIBA et al	:	
U.S. Application No.: 12/094,968	:	
PCT Application No.: PCT/JP2006/323492	:	DECISION
Int. Filing Date: 24 November 2006	:	
Priority Date Claimed: 25 November 2005	:	
Attorney Docket No.: Q108357	:	
For: NOVEL BISBORON COMPOUND	:	

This is in response to applicant's correspondence filed 13 October 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 November 2006, applicant filed international application PCT/JP2006/323492, which claimed priority of an earlier Japan application filed 25 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 31 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 May 2008.

On 23 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 12 August 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 October 2009, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration filed 13 October 2009 states that joint inventor Takeshi Nakamura is deceased.

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."

Although the sole heir(s) of a deceased inventor may serve as the legal representative of a deceased inventor, there is no indication that Kyoko Nakamura and Aiko Nakamura are the sole heirs of Takeshi Nakamura, i.e. there could be other heirs that are required to sign the declaration. A statement from the practitioner regarding the status of the sole heirs of Takeshi Nakamura is required.

Applicant is advised that the submission of a declaration executed by the heir(s) of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

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 for status 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".

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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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WASHINGTON, DC 20037

In re Application of MIKOSHIBA et al	:	
U.S. Application No.: 12/094,968	:	
PCT Application No.: PCT/JP2006/323492	:	DECISION
Int. Filing Date: 24 November 2006	:	
Priority Date Claimed: 25 November 2005	:	
Attorney Docket No.: Q108357	:	
For: NOVEL BISBORON COMPOUND	:	

This is in response to applicant's correspondence filed 08 March 2010, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 24 November 2006, applicant filed international application PCT/JP2006/323492, which claimed priority of an earlier Japan application filed 25 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 31 May 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 May 2008.

On 23 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 12 August 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 October 2009, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 07 January 2010, this Office mailed a decision dismissing the 13 October 2009 request for status.

On 08 March 2010, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 13 October 2009 states that joint inventor Takeshi Nakamura is deceased.

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."

The renewed request for status states that Kyoko Nakamura and Aiko Nakamura are the sole heirs of Takeshi Nakamura. Accordingly, the declaration filed 13 October 2009 is in compliance with 37 CFR 1.42.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 November 2006, and a date under 35 U.S.C. 371(c) of 13 October 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

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PCT Legal Examiner
PCT Legal Office

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
SEO, JONG-BAE et. al.	:	DECISION ON REQUEST TO
Application No. 12/095,007	:	PARTICIPATE IN PATENT
Filed: May 27, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 81872(301264)	:	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 August 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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) 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;
(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 Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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.
12/095,102		Mototaka YOSHIOKA	2008-0933A	8710

52349 7590 07/15/2008

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
07/15/2008	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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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FROM DIRECTORS OFFICE

JUL 15 2008

TECHNOLOGY CENTER 3600

Wenderoth, Lind & Ponack LLP
2033 K. Street, NW
Suite 800
Washington, DC 20006

In re application of	:	DECISION ON REQUEST TO
Mototaka Yoshioka	:	PARTICIPATE IN PATENT
Application No. 12/095,102	:	PROSECUTION HIGHWAY
Filed: May 27, 2008	:	PROGRAM AND PETITION
For: TRAVEL SUPPORT SYSTEM AND	:	TO MAKE SPECIAL UNDER
TRAVEL SUPPORT METHOD	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 9, 2008, to make the above-identified application special.

The request and petition are **DISMSSED**.

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

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

The request to participate in the PPH program and petition fail to include:

(1) a valid claim to priority under to one or more applications filed in the JPO;

With respect to requirement (1), in accordance to the "Notice Regarding Full Implementation of Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office" dated December 28, 2007, in order to be eligible to participate in the PPH program, the following condition with respect to priority must be met:

The US 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 does not contain any priority claim,

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

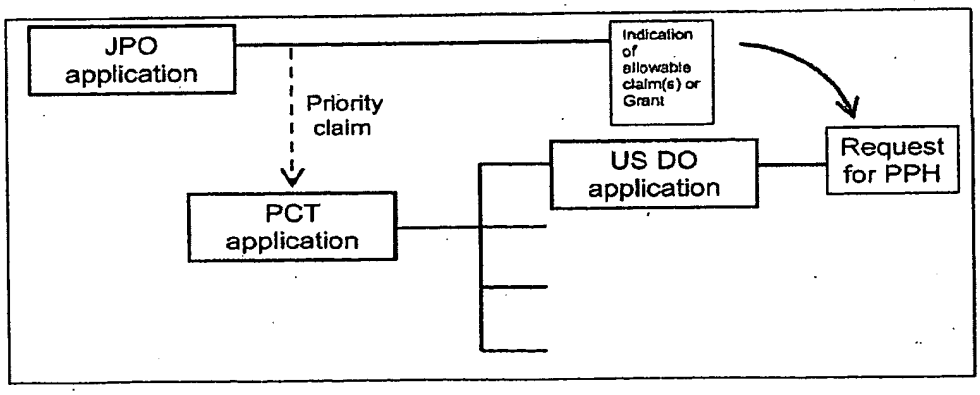
(iii) contains no priority claim.

The instant application is a national stage entry of a PCT/JP2007/071188 (which contains the allowable/patentable claims), which would indicated that it falls under requirement (b) above.

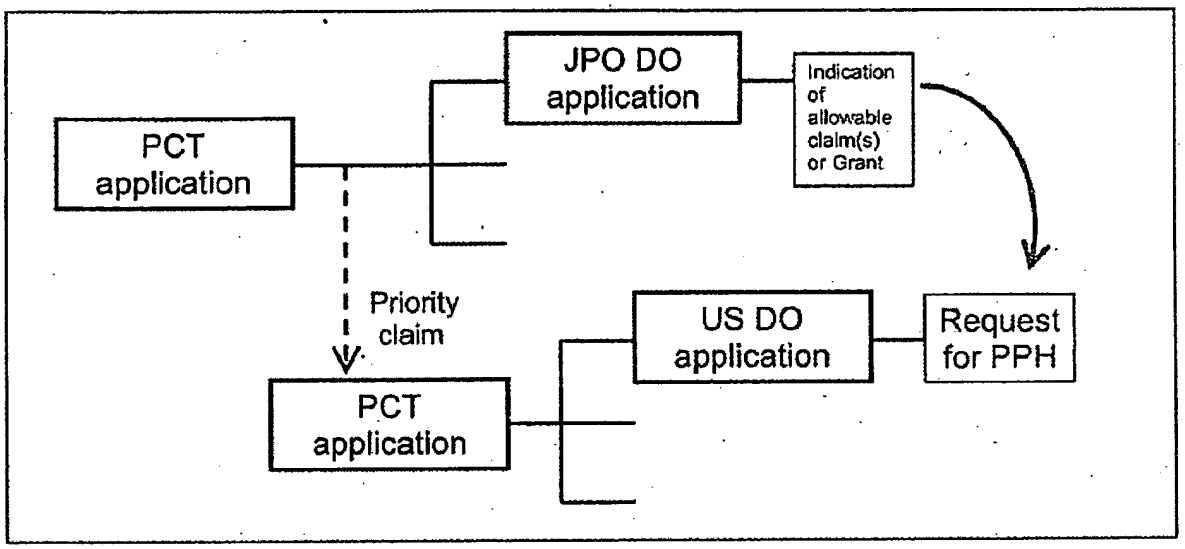
Examples of U.S. applications that fall under requirement (b) are:

* DO- Designated Office

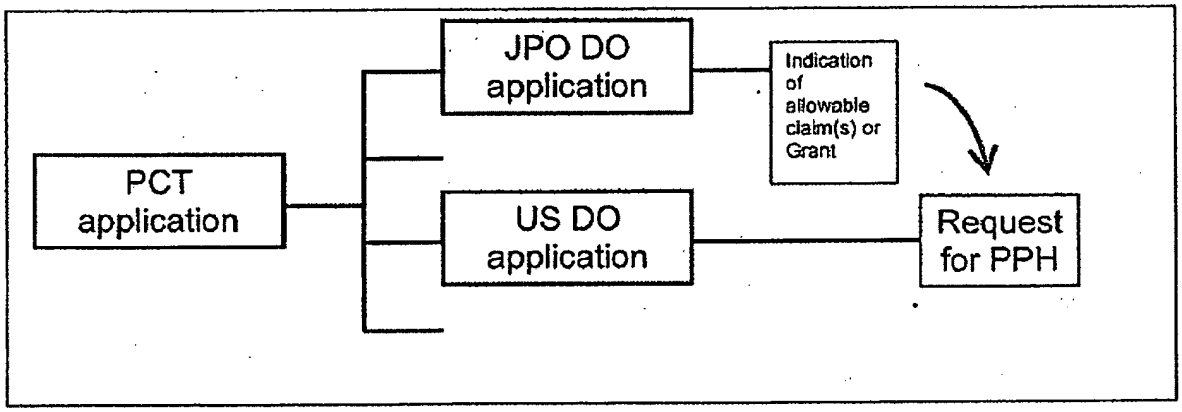
(1)(b)(i):



(1)(b)(ii):



(1)(b)(iii):



As there is also a Japanese national stage application of PCT/JP2007/07118, requirement (1)(b)(iii) would be applicable. Requirement (1)(b)(iii) sets forth that the PCT application contains no priority claim. However, the Japanese national stage application, JP2008-512633 (i.e., JPO DO application in the flow diagram above), claims priority to JP2006-2995838. Accordingly, the US application does not meet requirement (1)(b)(iii) because the PCT application contains a priority claim, i.e., JP2006-2995838.

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

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 07/14/08

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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MAR 1 1 2009

Wenderoth, Lind & Ponack LLP
2033 K. Street, NW
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In re application of	:	DECISION ON REQUEST TO
Mototaka Yoshioka	:	PARTICIPATE IN PATENT
Application No. 12/095,102	:	PROSECUTION HIGHWAY
Filed: May 27, 2008	:	PROGRAM AND PETITION
For: TRAVEL SUPPORT SYSTEM AND	:	TO MAKE SPECIAL UNDER
TRAVEL SUPPORT METHOD	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 13, 2008, to make the above-identified application special. The delay in responding to the communication is sincerely regretted.

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 original request to participate in the PPH pilot program and petition failed to include:

(1) a valid claim to priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

In light of the identification of the relationship between the JPO application that contains allowable/patentable claims and the JPO priority application claimed in the U.S. application, 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.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 03/09/09

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/095,105		Jun OZAWA	2008-0907A	8765

52349 7590 12/17/2008

WENDEROTH, LIND & PONACK L.L.P.
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EXAMINER	
ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
12/17/2008	PAPER

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

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

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WENDEROTH, LIND & PONACK L.L.P.
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In re Application of: Jun OZAWA
Application No. 12/095,105
Filed: May 27, 2008
For: DESTINATION PREDICTION APPARATUS AND METHOD THEREOF

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

The petition is **GRANTED.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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10 SEP 2009

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52329
WENDEROTH, LIND & PONACK, L.L.P.
2033 K Street, N.W.
Suite 800
Washington, DC 20006-1021

In re Application of :
OZAWA *et al* :
U.S. Application No.: 12/095,105 :
PCT No.: PCT/JP2007/068127 :
Int. Filing Date: 19 September 2007 : **DECISION**
Priority Date: 28 September 2006 :
Attorney Docket No.: 2008-0907A :
For: DESTINATION PREDICTION :
APPARATUS AND METHOD :
THEREOF :

This is a decision on the paper filed 27 May 2008 titled "Notification of Correction of Inventor's Name."

BACKGROUND

On 27 May 2008, applicants filed papers to enter the national stage of PCT/JP2007/068127 which was accompanied by, *inter alia*, an executed declaration and the subject paper.

DISCUSSION

In the papers filed 27 May 2008, applicants submitted an executed declaration listing the fourth inventor as Takahiro KUDOH. The international publication (WO 2008/041480) recorded the name as Takahiro KUDO. Applicants state that the name on the declaration is the correct spelling of the name and that USPTO records be updated to reflect the correct spelling of the name.

Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. Reference to the notification will be made on the previously filed declaration.

Applicants' explanation that the surname of the fourth inventor was misspelled upon filing of the international application meets the requirements of the MPEP regarding a typographical error.

CONCLUSION

For the reasons discussed above, the declaration filed 27 May 2008 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/095,127	05/28/2008	Bram Willem Hoffer	326006US0PCT	9202

EXAMINER

7590 12/18/2008

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

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
12/18/2008	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.

Tomi Tarmel

Patent Publication Branch
Office of Data Management

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JAN 27 2009

Sughrue, Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of
Junichi Yamaguchi
Application No. 12/095,151
Filed: May 28, 2008
For: EXHAUST PIPE STRUCTURE

: **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 21, 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:

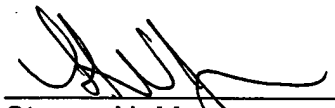
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 January 21, 2009 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.

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: 1/25/09

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17 OCT 2008

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Leydig Voit & Mayer, LTD
700 Thirteenth St. NW
Suite 300
Washington, D.C. 20005-3960

In re Application of :
FISSEHA, Yom :
U.S. Application No. 12/095,162 :
PCT No.: PCT/GB06/03596 :
Int. Filing Date: 27 September 2006 :
Priority Date: 02 November 2005 : DECISION ON PETITION
Attorney Docket No.: 404191 :
For: TOILET SEAT CLEANING SYSTEM :

The petition to revive under 37 CFR 1.137(b) filed 28 May 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

0 3 DEC 2008

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of :
Barenbrug :
Application No. 12/095,176 :
PCT No.: PCT/IB2006/054456 :
Int. Filing Date: 27 November 2006 : DECISION
Priority Date: 02 December 2005 :
Att. Docket No.: 002322 US1 :
For: Depth Dependent Filtering Of Image Signal :

The petition to revive under 37 CFR 1.137(b) filed on 26 August 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.

The declaration filed on 28 May 2008 is suitable for purposes of compliance with 37 CFR 1.497(a) and (b).

The $130.00 surcharge under 37 CFR 1.492(h)(fee code 1617) is being charged to Deposit Account 14-1270, per the authorization appearing in the Electronic Acknowledgment Receipt dated 26 August 2008.

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 **26 August 2008.**

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

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In re Application of

Application No. 12095263

Filed:

Attorney Docket No.

: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 26-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.

13 MAY 2009

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Cheng Law Group PLLC
1100 17th Street, N.W. Suite 503
Washington, DC 20036

In re Application of	:	DECISION ON
YANO et al	:	
PCT No.: PCT/JP2006/324700	:	
Application No.: 12/095,311	:	PAPERS FILED
Int. Filing Date: 11 December 2006	:	
Priority Date: 16 December 2005	:	
Attorney's Docket No.: HOK-0433	:	UNDER 37 CFR 1.42
For: AIR CONDITIONING... ATOMIZING FUNCTION	:	

This is a decision on the declaration filed 28 May 2008, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 28 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), and an executed declaration under 35 U.S.C. 371(c)(4).

The executed declaration is signed by Kishiko HIRAI as legal representative of the inventor now deceased Toshihhisa HIRAI.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the inventor Tamiji NAGAI is deceased and Toshio NAGAI has been appointed as the legal representative for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or 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 (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, it is unclear if the information provided below the signature of Kishiko HIRAI is for the legal representative or for the deceased inventor. The citizenship, residence and mailing address of the legal representative and the deceased inventor needs to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or 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." Extensions of time are available 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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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Cheng Law Group PLLC
1100 17th Street, N.W. Suite 503
Washington, DC 20036

In re Application of	DECISION ON RENEWED
YANO et al	
Application No.: 12/095,311	
PCT No.: PCT/JP2006/324700	PAPERS FILED
Int. Filing Date: 11 December 2006	
Priority Date: 16 December 2005	
Attorney's Docket No.: HOK-0433	UNDER 37 CFR 1.42
For: AIR CONDITIONING... ATOMIZING FUNCTION	

This is a decision on the "Renewed Submission Under 37 CFR 1.42," filed on 09 July 2009.

BACKGROUND

In a decision from this office dated 13 May 2009, the papers filed on 28 May 2008 were not accepted under 37 CFR 1.42. The reason was that it was not clear if the information provided was for the legal representative or the deceased inventor.

On 09 July 2009, applicants submitted the renewed submission under 37 C.F.R. §1.42.

DISCUSSION

After reviewing applicants comments and re-reviewing the application file, applicants are correct that all the required information about the deceased inventor and legal representative had been provided in the executed Declaration. Applicants had submitted a proper composite executed declaration.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **28 May 2008**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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25 JUN 2009

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50438
JUNEAU PARTNERS
P.O. Box 2516
Alexandria, VA 22301

In re Application of
KAUFMAN, Roger
U.S. Application No.: 12/095,315
PCT No.: PCT/US2006/043719
Int. Filing Date: 08 November 2006
Priority Date: 28 November 2005
Docket No.: GWU-KAUFMAN
For: VIRTUAL REALITY SIMULATOR HARNESS SYSTEMS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 11 May 2009[1] is hereby **GRANTED** as follows:

Applicant submitted a preliminary amendment canceling claims 11 - 68. A declaration in compliance with 37 CFR 1.497(a) and (b) was provided. The petition fee, search fee, examination fee, and surcharge fee for a small entity was submitted. 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.

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

[1] Applicant resubmitted the petition to revive on 19 June 2009. The signature date on the original petition filed 11 May 2009 indicated that it was signed on 04 February 2009. Applicant stated in his papers filed 19 June 2009 that the date recorded on the signature page of the petition was incorrect and should have been listed as 11 May 2009.

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14 APR 2009

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

In re Application of BRENNER et al :
U.S. Application No.: 12/095,328 :
PCT Application No.: PCT/EP2006/011491 :
Int. Filing Date: 30 November 2006 : DECISION
Priority Date Claimed: 30 November 2005 :
Attorney Docket No.: RUF-08-1181 :
For: GALVANIC ELEMENT COMPRISING A NOVEL HOUSING :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 02 March 2009.

BACKGROUND

On 30 November 2006, applicant filed international application PCT/EP2006/011491, which claimed priority of an earlier Germany application filed 30 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 May 2008.

On 29 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 29 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 02 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

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

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

The petition states that joint inventor Dejan Ilic refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers to inventor Ilic for signature. In particular, although the petition states that inventor Ilic has had several opportunities to review the application papers, an affidavit from the person with firsthand knowledge of inventor Ilic being provided with the application papers has not been furnished. Furthermore, the petition does not sufficiently illustrate that inventor Ilic refuses to sign. Specifically, although the petition states that several letters were sent to inventor Ilic, documentary evidence of such mailings, proof of their receipt by inventor Ilic, and an affidavit from the person with firsthand knowledge of the mailings have not been provided. Thus, it would not be reasonable to conclude at the present time that inventor Ilic refuses to join in the application.

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

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

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2 8 AUG 2009

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1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

In re Application of BRENNER et al	:	
U.S. Application No.: 12/095,328	:	
PCT Application No.: PCT/EP2006/011491	:	
Int. Filing Date: 30 November 2006	:	DECISION
Priority Date Claimed: 30 November 2005	:	
Attorney Docket No.: RUF-08-1181	:	
For: GALVANIC ELEMENT COMPRISING A NOVEL HOUSING	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 15 June 2009.

BACKGROUND

On 30 November 2006, applicant filed international application PCT/EP2006/011491, which claimed priority of an earlier Germany application filed 30 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 May 2008.

On 29 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 29 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 02 March 2009, applicant filed a petition under 37 CFR 1.47(a).

On 14 April 2009, this Office mailed a decision dismissing the 02 March 2009 petition.

On 15 June 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Petitioner has previously satisfied items (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 petition states that joint inventor Dejan Ilic refuses to sign the application papers. The renewed petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor Ilic for signature and that inventor Ilic received such papers (see affidavit of Michael Eberle and Exhibit E). Furthermore, the petition sufficiently illustrates that inventor Ilic refuses to sign. Specifically, inventor Ilic made an express oral refusal to sign during a conversation with Dr. Eberle on 16 February 2009 (see Eberle affidavit). Thus, it can be concluded that inventor Ilic 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 30 November 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 02 March 2009.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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28 AUG 2009

Dejan Ilic
Badgasse 5/26
73479 Ellwangen
GERMANY

In re Application of BRENNER et al
U.S. Application No.: 12/095,328
PCT Application No.: PCT/EP2006/011491
Int. Filing Date: 30 November 2006
Priority Date Claimed: 30 November 2005
For: GALVANIC ELEMENT COMPRISING A NOVEL HOUSING

Dear Dejan Ilic:

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

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

Bryan Lin

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

IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103
Attorney Docket No.: RUF-08-1181

UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2008

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

Valerie Calloway
Chief Intellectual Property Counsel
POLYMER GROUP, INC.
9335 Harris Corners Parkway, Suite 300
Charlotte, NC 28269

In re Application of	:	
Krause et al.	:	
Application No.: 12/095,329	:	DECISION ON
PCT No.: PCT/US2006/14719	:	
Int. Filing Date: 19 April 2006	:	PETITION UNDER
Priority Date: 19 April 2005	:	
Attorney Docket No.: 05-424	:	37 CFR 1.137(b)
For: PROCESS AND APPARATUS FOR FORMING UNIFORM NANOFIBER SUBSTRATES	:	

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 29 May 2008. The required $1540.00 petition fee has been paid.

BACKGROUND

On 19 April 2006, applicant filed international application PCT/US2006/14719 that designated the U.S. and claimed a priority date of 19 April 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 October 2007.

On 29 May 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, a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b), and a Declaration of Inventorship.

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 50-0925 was charged for the basic national fee on 29 May 2008.

As to item (2), Deposit Account 50-0925 was charged for the petition fee on 29 May 2008.

As to item (3), applicant provided the required statement on 29 May 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.

It is noted that a PCT/RO/132 notification was mailed to applicant on 09 June 2006 indicating that according to the law of the United States of America, only the inventor is entitled to file a national application; however, the named inventors were not indicated as applicants for the purposes of the designation of the United States, and as a result, the application may be rejected by the United States Patent and Trademark Office as a designated Office. According to the records of the International Bureau and those of the US receiving Office, no response was ever filed requesting a change in the status of the inventors. However, since the inventors were named in the international application, the instant application will be accepted for the National Stage in the United States.

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. The application will be accepted as a US national stage application, and the Date of Receipt of 35 USC 371(c)(1), (c)(2) and (c)(4) Requirements will be indicated as 29 May 2008.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/095,384		Hideto MOTOMURA	2008-0950A	1365

52349 7590 06/18/2008

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
06/18/2008	PAPER

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

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

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Wenderoth Lind and Ponack LLP
2033 K St NW Ste 800
Washington, DC 20006-1021

In re Application of	:	**DECISION ON REQUEST TO**
Hideto MOTOMURA	:	**PARTICIPATE IN PATENT**
Application No. 12/095,384	:	**PROSECUTION HIGHWAY**
Filed: May 29, 2008	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 2008-0950A	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(d)**

For: IMAGE-CAPTURING APPARATUS AND IMAGE-CAPTURING METHOD

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 9, 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 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).

* * * * * * *

Conditions (2) 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) above.

Regarding the requirement of condition (1), the instant application is filed under 35 USC 111(a), which validly claims priority under 35 USC 371 to a PCT application (PCT/JP 2007/052135), which PCT application validly claims priority under 35 USC 365(b) to one or more applications filed in the JPO (JP 2006-038683). However, the since the JP national application containing the allowable/patentable claims (JP 2007-526079) is a JP application other than the priority application, applicant must indicate how the JP national application with the allowable /patentable claims is related to the JP priority application. See "Revised Requirements for Requesting Participation in the Patent Prosecution Highway pilot Program in the USPTO," dated May 17, 2007, next to last paragraph.

A proper response in this case must include:

(a) an explanation how the JP national application (JP 2007-526079) with the allowable/patentable claims is related to the JP priority application (JP 2006-038683).

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Program Between the JPO and the USPTO" filed June 9, 2008 is **DISMISSED** without prejudice.

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

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

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

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

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

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Stefan Bogl	: DECISION ON REQUEST FOR
Patent Number	: 7588215	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/095,387	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

13 MAY 2009

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Leonard Holtz
Frishauf, Holtz, Goodman & Chick P.C.
220 5TH AVE FL 16
NEW YORK NY 10001-7708

In re Application of	:	DECISION ON
NAGAI et al	:	
PCT No.: PCT/JP2006/32357	:	
Application No.: 12/095,471	:	PAPERS FILED
Int. Filing Date: 27 November 2006	:	
Priority Date: 01 December 2005	:	
Attorney's Docket No.: 08306/LH	:	UNDER 37 CFR 1.42
For: SWITCHING POWER ... THE SAME	:	

This is a decision on the declaration filed 29 May 2008, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

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), and an executed declaration under 35 U.S.C. 371(c)(4).

The executed declaration is signed by Toshio NAGAI as legal representative of the inventor now deceased Tamiji NAGAI.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the inventor Tamiji NAGAI is deceased and Toshio NAGAI has been appointed as the legal representative for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or 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 (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, it is unclear if the information provided next to the signature of Toshio NAGAI is for the legal representative or for the deceased inventor. The citizenship, residence and mailing address of the legal representative and the deceased inventor needs to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or 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." Extensions of time are available 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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24 DEC 2009

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In re Application of	:	DECISION ON
NAGAI et al	:	
Application No.: 12/095,471	:	
PCT No.: PCT/JP2006/32357	:	PAPERS FILED
Int. Filing Date: 27 November 2006	:	
Priority Date: 01 December 2005	:	
Attorney's Docket No.: 08306/LH	:	UNDER 37 CFR 1.42
For: SWITCHING POWER ... THE SAME	:	

This is a decision on the "RENEWED SUBMISSION UNDER 37 CFR 1.42," filed on 09 July 2009.

BACKGROUND

In a decision from this Office on 13 May 2009, the request filed on 29 May 2008 was not accepted under 37 CFR 1.42.

On 09 July 2009, applicants filed the present renewed petition, which also included a Application Data Sheet (ADS).

DISCUSSION

Applicants have filed an ADS that includes the Post office address of the deceased inventor, and that the citizenship of both Tamiji NAGAI (deceased inventor) and Toshio NAGAI (legal representative) both are listed in the executed declaration.

Accordingly, the requirements under 37 CFR 1.42 are satisfied.

DECISION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **29 May 2008.**

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UNITED STATES PATENT and TRADEMARK OFFICE

27 AUG 2009

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The Firenza Group Ltd.
65 PANORAMA COURT
DANVILLE CA 94506-6154

In re Application of	:	DECISION ON
SELLERS et al	:	
Application No.: 12/095,481	:	
Int. Application: PCT/US2006/046030	:	
Int. Filing Date: 30 November 2006	:	REQUEST UNDER
Priority Date: 01 December 2005	:	
Attorney's Docket No.: 8277.05110-PCT.US	:	
For: ADVANCED CAPILLARY FORCE	:	
VAPORIZERS	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE AND EXPLANATORY LETTER 37 CFR 1.497(a)," which is being treated as a request under 37 CFR 1.497(d) filed on 16 June 2009, adding co-inventors, Warren S. BRESLAU and Erick M. DAVIDSON, in the executed declaration. The $130.00 processing fee has not been submitted.

BACKGROUND

On 30 November 2006, applicants filed international application No. PCT/US2006/046030 and claiming a priority date of 01 December 2005.

On 29 May 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. However, no properly executed declaration was filed at such time.

On 16 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: inventors added without documentation. The notice also indicated that the items set forth above 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.

On 16 June 2009, applicants filed, inter alia, a request under 37 CFR 1.497(d) and an executed declaration that adds co-inventors Warren S. BRESLAU and Erick M. DAVIDSON.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or 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 (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (2) under 37 CFR 1.497(d), but not items (2) - (3).

With respect to item (1), the statements submitted on 16 June 2009 by Warren S. BRESLAU and Erick M. DAVIDSON are sufficient as the statements state that the error in inventorship occurred without deceptive intent.

With respect to item (2), the processing fee of $130.00 has not been submitted.

With respect to item (3), VAPORE, INC., the assignee, has not consented to the correction of inventorship to the above application. Also, to establish the right of the Assignees to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, 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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23 DEC 2009

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The Firenza Group Ltd.
65 PANORAMA COURT
DANVILLE CA 94506-6154

In re Application of	:	DECISION ON RENEWED
SELLERS et al	:	
Application No.: 12/095,481	:	
Int. Application: PCT/US2006/046030	:	
Int. Filing Date: 30 November 2006	:	REQUEST UNDER
Priority Date: 01 December 2005	:	
Attorney's Docket No.: 8277.05110-PCT.US	:	
For: ADVANCED CAPILLARY FORCE	:	
VAPORIZERS	:	37 CFR 1.497(d)

This is a decision on applicants' "SECOND RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 21 September 2009.

BACKGROUND

In a decision from this Office mailed on 27 August 2009, the decision indicated that the request was dismissed because the request did not satisfy items (2) and (3) of 37 CFR 1.497(d).

On 21 September 2009, applicants filed the current renewed request, which included, *inter alia*, a statement that Kelly J. Brodbeck does have authorization to act on behalf of assignee as stated in his statement.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied items (2) and (3) of 37 CFR 1.497(d) as the $130.00 fee has been paid and Mr. Brodbeck does have authority to act on behalf of the assignee. The assignee Vapor, Inc. consent to correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b) as the executed assignment as been recorded at Reel No.021088/ Frame No. 0263.

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **16 June 2009**.

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24 DEC 2008

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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

In re Application of:
NJOLSTAD, Pal, R., et al.
U.S. Application No.: 12/095,564
PCT No.: PCT/IB2006/003437
International Filing Date: 01 December 2006
Priority Date: 01 December 2005
Atty Docket No.: 16039-90137
For: DIAGNOSIS AND TREATMENT OF EXOCRINE PANCREATIC DYSFUNCTION AND DIABETES USING HUMAN CEL GENE

DECISION ON PETITION

This decision is issued in response to applicant's "Petition Under 37 CFR 1.181 To Enter Priority Document" filed 30 October 2008. No petition fee is required.

BACKGROUND

On 01 December 2006, applicant filed international application PCT/IB2006/003437. The international application claimed a priority date of 01 December 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 submission of the basic national fee was thirty months from the priority date, i.e., 01 June 2008.

On 30 May 2008, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 30 October 2008, applicants filed the "Petition Under 37 CFR 1.181 To Enter Priority Document" considered herein, accompanied by a certified copy of foreign priority application PA 2005 01700, filed 01 December 2005 in the Danish Patent Office.

On 09 December 2008, applicants filed a declaration executed by each of the five inventors of record herein.

DISCUSSION

The present application is a national stage of PCT/IB2006/003437 filed under 35 U.S.C. 371. The international application included a foreign priority claim directed to Danish Patent Application No. PA 2005 01700, filed 01 December 2005. According to the present petition,

applicant failed to submit a certified copy of the Danish priority application to the International Bureau pursuant to PCT Rule 17. Applicant has therefore now filed with the USPTO a certified copy of the Danish priority application, accompanied by the present petition requesting entry of the priority document.

Where, as here, the applicant did not supply a certified copy of the foreign priority document to the IB pursuant to PCT Rule 17, the applicant is required to provide a certified copy of the priority document to the USPTO during the national phase. See MPEP section 1893.03(c)(II), 37 CFR 1.55(a)(2). Applicant has complied with this requirement by filing herein a certified copy of the Danish priority document. No additional petition under 37 CFR 1.181 is required with respect to such submission. Accordingly, the petition under 37 CFR 1.181 accompanying the submission of the priority document is appropriately dismissed as moot.

CONCLUSION

The "Petition Under 37 CFR 1.181 To Enter Priority Document" filed 30 October 2008 is **DISMISSED AS MOOT**.

Applicant has submitted a certified copy of Danish priority application PA 2005 01700 in compliance with 37 CFR 1.55(a)(2).

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 09 December 2008.

Richard M. Ross
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/095,577		Takao YAMAGUCHI	2008-0951A	3181

52349 7590 08/18/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of: Takao Yamaguchi
Application No. 12/095,577
Filed:
For: **REPLAY TRANSMISSION DEVICE AND REPLAY TRANSMISSION METHOD**

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

MAILED

AUG 18 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 31, 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

The request to participate in the PPH program and petition are 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 Hassan Kizou at 571-272-3088

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 undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

16 DEC 2009

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

BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of:
FRANKLIN, Lanny, et al.
U.S. Application No.: 12/095,584
PCT No.: PCT/GB2006/002878
International Filing Date: 03 August 2006
Priority Date: 30 November 2005
Attorney's Docket No.: 24002.0016U2
For: TERPENE-CONTAINING COMPOSITIONS AND METHODS OF MAKING AND USING THEM

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 28 August 2009 of a declaration executed on behalf of deceased inventor Lanny FRANKLIN by the deceased inventor's legal representatives, Elizabeth Cloud and Lanna Knapp, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 03 August 2006, applicants filed international application PCT/GB2006/002878. 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 submission of the basic national fee was thirty months from the priority date, i.e., 30 May 2008.

On 30 May 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 28 August 2009, applicants filed a declaration executed by the two surviving inventors of record and on behalf of deceased inventor Lanny FRANKLIN by the deceased inventor's legal representatives, Elizabeth Cloud and Lanna Knapp. The declaration is considered below under 37 CFR 1.42 and 1.497.

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 the following:

> 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(s) must be identified on the declaration (as well as the mailing address and residence information of the legal representatives and all other information required under 37 CFR 1.497).

Here, the declaration filed 28 August 2009 includes the required citizenship, residence, and mailing address information for Elizabeth Cloud and Lanna Knapp, the persons signing the declaration on behalf of deceased inventor Lanny FRANKLIN, and it identifies these persons as the legal representatives of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Lanny Franklin is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 August 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

COPY MAILED
FEB 05 2010

Applicants: Lebouitz, et al.
Appl. No.: 12/095,626
International Filing Date: November 30, 2006
Title: PULSED-CONTINUOUS ETCHING
Attorney Docket: 4853-081780
Pub. No.: US 2009/0065477 A1
Pub. Date: March 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 11, 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.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

29 APR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of	:	
FORTE, Dennis et al.	:	
Application No.: 12/095,640	:	DECISION
PCT No.: PCT/AU2006/001786	:	
Int. Filing Date: 28 November 2006	:	ON PETITION UNDER
Priority Date: 28 November 2005	:	
Docket No.: MID-PT030	:	37 CFR 1.137(b)
For: LOW TEMPERATURE FORMING OF FEEDS	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 30 May 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 basic 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 06 November 2008, applicant furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The fee for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date.

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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/095,684		Masao NONAKA	2008-0856A	4281

52349 7590 01/23/2009
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
01/23/2009	PAPER

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

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

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of: Masao NONAKA
Application No. 12/095,684
Filed: May 30, 2008
For: DATA ENCRYPTION APPARATUS, DATA CONVERTING METHOD, DATA CONVERTING PROGRAM, RECORDING MEDIUM AND INTEGRATED CIRCUIT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 28, 2008, 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:

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

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

Or

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

Or

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

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

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

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

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

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

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

07 NOV 2008

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COMMISSIONER FOR PATENTS
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

In re Application of ANAPLIOTIS et al	:	
U.S. Application No.: 12/095,838	:	
PCT Application No.: PCT/DE2006/001508	:	
Int. Filing Date: 30 August 2006	:	DECISION
Priority Date Claimed: 01 September 2005	:	
Attorney Docket No.: 3127-00014	:	
For: BONE PLATE COMPRISING AT LEAST ONE SCREW TO BE FIXED AT A STABLE ANGLE	:	

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 02 June 2008.

BACKGROUND

On 30 August 2006, applicant filed international application PCT/DE2006/001508, which claimed priority of an earlier Germany application filed 01 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 08 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 01 March 2008.

On 02 March 2008, international application PCT/DE2006/001508 became abandoned as to the United States for failure to timely pay the basic national fee.

On 02 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.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a full and complete translation of the international application into English must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

MAILED

JAN 0 4 2010

OFFICE OF PETITIONS

In re Application of :
Garth Alexander Keech :
Application No. 12/095,881 :
Filed: September 19, 2008 :
Attorney Docket No. 834/200 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 2, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on November 2, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

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

(2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. Petitioner contends that "the applicant instructed former attorneys of this firm to take their file to a new firm, there by discharging this firm". This instruction by applicant did not discharge petitioner from their responsibility.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is an outstanding Office action mailed July 23, 2009 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

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FEB 04 2010

In re Application of
Garth Alexander Keech
Application No. 12/095,881
Filed: September 19, 2008
Attorney Docket No. 834/200

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 12, 2010.

The request is **NOT APPROVED**.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

Currently, there is an outstanding Office action mailed July 23, 2009 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

07 APR 2009

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of :
LUECKING, et al. :
U.S. Application No.: 12/095,947 : DECISION ON PETITION
PCT No.: PCT/EP04/11661 :
Int. Filing Date: 12 October 2004 : UNDER 37 CFR 1.137(b)
Priority Date: 16 October 2003 :
Attorney Docket No.: SCH-1987-A :
For: SULFOXIMINE-SUBSTITUTED PYRIMIDINES :
FOR USE AS CDK AND/OR VEGF INHIBITORS :
THE PRODUCTION... :

The petition to revive under 37 CFR 1.137(b) filed 03 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
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

Mail Date: 04/21/2010

Applicant	: Joseph C. Golba	: DECISION ON REQUEST FOR
Patent Number	: 7642308	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/095,962	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **71** 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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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of :
Randall J. MRSNY :
Application No. 12/096,011 : DECISION ON PETITION
Filed: February 4, 2009 : TO WITHDRAW
Attorney Docket No. 10901-043-999 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request cannot be approved because it is not clear whether all the acts noted above at Items 1-3 have been performed.

Further, the Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. In this regard, the address of the assignee provided, is not that of an assignee who has properly become of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b)

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

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

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

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

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JUL 20 2010

OFFICE OF PETITIONS

In re Application of
Randall J. MRSNY
Application No. 12/096,011
Filed: February 4, 2009
Attorney Docket No. 10901-043-999

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 9, 2010.

The request is **NOT APPROVED.**

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

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. In this regard, the address of the assignee provided, is not that of an assignee who has properly become of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

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

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

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

/dcg/
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Petitions Examiner
Office of Petitions

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16 OCT 2008

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
MRSNY
Application No.: 12/096,013
PCT No.: NONE
Deposit date: 03 June 2008
Attorney Docket No.: 10901-044-999
For: METHODS AND COMPOSITIONS FOR NEEDLELESS DELIVERY OF BINDING PARTNERS

DECISION ON RESPONSE

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

On 03 June 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 request identified PCT application no. PCT/US06/45611. The papers were assigned serial number 12/096,013. However the international application **PCT/US06/46511** was listed on the Application Data Sheet and yet another PCT number was indicated on the amendment to the specification, PCT/US06/46510.

If applicant wishes that this application proceed, applicant must file a petition under 37 CFR 1.182 to correct the international application number.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Such response should include a cover letter entitled "Petition Under 37 CFR 1.182."

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 PCT Legal Office.

Cynthia M. Kratz
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11 FEB 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
MRSNY
Application No.: 12/096,013
PCT No.: NONE
Deposit date: 03 June 2008
Attorney Docket No.: 10901-044-999
For: METHODS AND COMPOSITIONS FOR NEEDLELESS DELIVERY OF BINDING PARTNERS

DECISION ON RESPONSE

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office (USPTO) on 10 December 2008.

On 03 June 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 request identified PCT application no. PCT/US06/45611. The papers were assigned serial number 12/096,013. However the international application **PCT/US06/46511** was listed on the Application Data Sheet and yet another PCT number was indicated on the amendment to the specification PCT/US06/46510.

On 16 November 2008, a USPTO communication was mailed to applicant indicating the above noted discrepancies.

On 10 December 2008, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/US06/46511 on the national stage papers filed on 03 June 2008 is **GRANTED.** The $400 petition fee will be charged to applicant's deposit account per his authorization.

The USPTO records will identify the present application 12/096,013 as the national stage of **PCT/US06/45611.**

/Cynthia M. Kratz
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JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Randall J. MRSNY	:	
Application No. 12/096,013	:	DECISION ON PETITION
Filed: November 10, 2008	:	TO WITHDRAW
Attorney Docket No. 10901-044-999	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request cannot be approved because it is not clear whether all the acts noted above at Items 1-3 have been performed.

Further, the Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. In this regard, the address of the assignee provided, is not that of an assignee who has properly become of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b)

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

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

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

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

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JUL 19 2010

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
Randall J. MRSNY
Application No. 12/096,013
Filed: November 10, 2008
Attorney Docket No. 10901-044-999

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 9, 2010.

The request is **NOT APPROVED.**

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

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. In this regard, the address of the assignee provided, is not that of an assignee who has properly become of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

05 DEC 2008

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR NY 10510

In re Application of	:	
HAQUE, Imtiyaz, et al.	:	
Application No.: 12/096,040	:	DECISION
PCT No.: PCT/IB2006/054609	:	
Int. Filing Date: 05 December 2006	:	ON REQUEST UNDER
Priority Date: 05 December 2005	:	
Attorney's Docket No.: 003742US2	:	37 CFR 1.497(d)
For: FLEXIBLE CARE PLAN METHODS AND APPARATUSES	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 20 October 2008.

BACKGROUND

On 04 June 2008, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors. The declaration listed 4 inventors, but the international application lists only 3.

On 25 August 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the inventors in the declaration did not match the inventors in the international application and that there was an additional inventor on the declaration. It further indicated 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 09 October 2008 and 20 October 2008, applicant filed this petition to add an inventor to the application.

DISCUSSION

Applicants file this request to remove Daniel A. Simms, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Item (2) has been satisfied. Applicants provided the processing fee.

Item (1) has not been satisfied. Applicants have not provided a statement from Daniel A. Simms stating that his omission from the international application occurred without deceptive intention on his part.

Item (3) has not been satisfied. The written consent of the assignee must comply with 37 CFR 3.73. A review of the papers did not locate 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" a statement specifying where the chain of title is recorded in the assignment records of the Office. See 37 CFR 3.73(b)(1).

Additionally, the second inventor and third inventor are identified by different first names in the declaration than the names used in the international application. If this discrepancy is the result of a translation or transliteration error, it can be corrected with a statement under MPEP 201.03. If the discrepancy is other than a translation or transliteration error, a petition under 37 CFR 1.182 is required to correct the discrepancies.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

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

/Erin P. Thomson/

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UNITED STATES PATENT AND TRADEMARK OFFICE

24 APR 2009

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR NY 10510

In re Application of:	:	
HAQUE, Imitiyaz, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/096,040	:	REQUEST UNDER
PCT No.: PCT/IB2006/054609	:	37 CFR 1.497(d)
International Filing Date: 05 December 2006	:	
Priority Date: 05 December 2005	:	
Attorney's Docket No.: 003742US2	:	
For: FLEXIBLE CARE PLAN METHODS AND APPARATUSES	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 05 February 2009.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 05 December 2008. The decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, applicants had not provided the statement of non-deceptive intent required by 37 CFR 1.497(d)(1) from the inventor to be added, Daniel A. SIMMS, or the consent of the assignee to the requested change of inventorship, as required under 37 CFR 1.497(d)(3). In addition, the decision noted that the names of the third and forth inventors listed on the filed declaration did not correspond to the names of record for these inventors listed on the published international application. The decision indicated that either a statement confirming that the discrepancy resulted from a transliteration or typographical error in the international application, or a petition under 37 CFR 1.182 to correct these inventors' names, was also required.

On 05 February 2009, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition states that a "Statement of Inventors" and the "written consent of the assignee in compliance with 37 CFR 3.73" are "enclosed" with the petition. However, as evidenced by the Electronic Acknowledgement Receipt in the application file, the present submission consisted solely of the one-page "Renewed Petition Under 37 CFR 1.497(d)" and a one-page "Statement Under 37 CFR 3.73(b)" executed on behalf of the assignee. The submission did not include a satisfactory response with respect to any of the outstanding

requirements set forth in the previous decision, that is, the required statement of non-deceptive intent from the inventor to be added, the written consent of the assignee to the change in inventorship, and the statement or petition required to correct the discrepancy between the names of record for the third and fourth inventors and their names as listed on the declaration (see MPEP section 1893.01(e)). The renewed petition is therefore a defective response to the previous decision.

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is a defective response to the previous decision and is **DISMISSED** without prejudice.

The declaration filed herein on 04 June 2008 remains defective for failure to properly identify the inventors of record herein.

Applicants are provided **ONE (1) MONTH** from the mail date of the present decision to submit a proper response. Any such submission should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)" and must include the outstanding requirements set forth in the decision mailed herein on 05 December 2008, that is: (1) a statement of non-deceptive intent from the inventor to be added, Daniel A. SIMMS, in compliance with 37 CFR 1.497(d)(1); (2) the written consent of the assignee in the form required by 37 CFR 3.73(b), in compliance with 37 CFR 1.497(d)(3); and (3) either a statement confirming that the discrepancy in the names of the third and fourth inventors listed on the declaration and the international application resulted from a transliteration or typographical error in the international application, or in the alternative, a grantable petition under 37 CFR 1.182 to correct the names of record for these two inventors to correspond to those set forth in the declaration.

Extensions of the above one-month response period are **NOT** available under 37 CFR 1.136(a). However, extensions of time under 37 CFR 1.136(a) are available with respect to the original response period set forth in the decision mailed herein on 05 December 2008.

Failure to file a timely and proper response will result in abandonment of the application.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

30 JUN 2009

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In re Application of:	:	
HAQUE, Imitiyaz, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/096,040	:	REQUEST UNDER
PCT No.: PCT/IB2006/054609	:	37 CFR 1.497(d) AND PETITION
International Filing Date: 05 December 2006	:	UNDER 37 CFR 1.182
Priority Date: 05 December 2005	:	
Attorney's Docket No.: 003742US2	:	
For: FLEXIBLE CARE PLAN METHODS AND APPARATUSES	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Correct Inventors' Names" and the renewed request under 37 CFR 1.497(d) to correct the inventorship in the present application filed 06 May 2009. Applicants have not submitted the $400 petition fee required for the petition under 37 CFR 1.182.

BACKGROUND

The procedural background for this application was set forth in the decisions mailed herein on 05 December 2008 and 24 April 2009. The decisions indicated that applicants had not submitted all the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d) and that a petition under 37 CFR 1.182 to correct the names of record for two of the original named inventors was required.

On 06 May 2009, applicants filed the materials considered herein.

DISCUSSION

1. Renewed Request Under 37 CFR 1.497(d)

With respect to the renewed submission under 37 CFR 1.497(d), applicants have now submitted a statement from the inventor being added to the application stating that the error in inventorship in the original application occurred without deceptive intent, satisfying the requirement of 37 CFR 1.497(d)(1). Applicants have also submitted the required statement of consent of the assignee to the requested change (applicants had previously submitted a Statement Under 37 CFR 3.73(b) from the assignee); these materials satisfy the requirement of 37 CFR 1.497(d)(3). However, a grantable request to correct inventorship under 37 CFR 1.497(d) requires submission of an acceptable declaration, and, as noted in the previous decisions, the declaration filed herein is defective in that the names for the first and third inventors do not

correspond to the names of record for such inventors. Granting of the accompanying petition under 37 CFR 1.182 (considered below) is thus required before the requested addition of Daniel A. SIMMS may be entered under 37 CFR 1.497(d).

2. Petition Under 37 CFR 1.182

The petition under 37 CFR 1.182 indicates that the names listed for the second and third inventors in the international application are nicknames. The petition requests that the names of record for these two inventors be corrected to their proper names, Yaqiong FANG and Bin ZHOU, the names listed for these inventors on the declaration filed 04 June 2008. However, applicants have not submitted the $400 petition fee required for the petition under 37 CFR 1.182. In addition, applicants have failed to provide statements from these two inventors confirming their correct names and stating that the inconsistency between the names listed in the international application and their correct names occurred without deceptive intent. Until such materials are provided the petition under 37 CFR 1.182 cannot be granted.

CONCLUSION

The petition under 37 CFR 1.182 to correct the names of record for inventors FANG and ZHOU is **DISMISSED** without prejudice.

Based on the dismissal of the petition under 37 CFR 1.182, the declaration filed 04 June 2008 remains defective for failure to properly identify inventors FANG and ZHOU. Applicants' renewed request under 37 CFR 1.497(d) to add Daniel A. SIMMS as an additional inventor of record is therefore also **DISMISSED** without prejudice.

It is noted that applicants have now satisfied the requirements of 37 CFR 1.497(d)(1) and 37 CFR 1.497(d)(3).

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182 And Renewed Request Under 37 CFR 1.497(d)" and must include the materials required for a grantable petition under 37 CFR 1.182, that is, payment of the $400 petition fee and statements from inventors FANG and ZHOU confirming their correct names and stating that the inconsistency between the names listed in the international application and their correct names occurred without deceptive intent.[1]

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

[1] The granting of the petition under 37 CFR 1.182 will remove the defect in the declaration and therefore permit granting of the renewed request under 37 CFR 1.497(d) as well.

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

24 AUG 2009

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In re Application of:	:	
HAQUE, Imitiyaz, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/096,040	:	REQUEST UNDER
PCT No.: PCT/IB2006/054609	:	37 CFR 1.497(d) AND PETITION
International Filing Date: 05 December 2006	:	UNDER 37 CFR 1.182
Priority Date: 05 December 2005	:	
Attorney's Docket No.: 003742US2	:	
For: FLEXIBLE CARE PLAN METHODS AND APPARATUSES	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.182 And Renewed Request Under 37 CFR 1.497(d)" filed 14 July 2009. Applicants have submitted the $400 petition fee required for the petition under 37 CFR 1.182.

BACKGROUND

The procedural background for this application was set forth in the decisions mailed herein on 05 December 2008, 24 April 2009, and 30 June 2009. The most recent decision dismissed applicants' petition under 37 CFR 1.182 to correct the first names of inventors FANG and ZHOU for failure to include the required petition fee and the required statements from these inventors. The decision also indicated that the renewed request under 37 CFR 1.497(d) could not be granted until the accompanying petition under 37 CFR 1.182 was granted.

On 06 May 2009, applicants filed the "Renewed Petition Under 37 CFR 1.182 And Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

1. Renewed Petition Under 37 CFR 1.182

The renewed petition under 37 CFR 1.182 was accompanied by payment of the required petition fee. In addition, the renewed petition includes statements from the inventors whose names are being changed (i.e., ZHOU and FANG) confirming their correct names and stating that the disparity between their correct names and the names listed in the international application occurred without deceptive intent.

These materials, in combination with those previously submitted, satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the names of record for the these

inventors. Accordingly, the renewed petition under 37 CFR 1.182 to change the names of record for inventor Jade Y. FANG to Yaqiong FANG and for inventor Brian ZHOU to Bin ZHOU is appropriately granted.

2. **Renewed Request Under 37 CFR 1.497(d)**

As discussed in the previous decision, applicants have submitted the materials required by 37 CFR 1.497(d)(1)-(3). The remaining requirement for a grantable request to change inventorship under 37 CFR 1.497(d) is therefore a declaration that is acceptable under 37 CFR 1.497 and sets forth the correct inventorship.

The above correction of the names for inventors ZHOU and FANG resolves the defect in the declaration filed 04 June 2008 with respect to such inventors' names. Such declaration is therefore now acceptable under 37 CFR 1.497(d). Accordingly, granting of applicants' request under 37 CFR 1.497(d) to add Daniel A. SIMMS as an additional inventor of record is now appropriate on the present record.

CONCLUSION

The renewed petition under 37 CFR 1.182 to correct the names of record for inventors FANG and ZHOU is **GRANTED**. The names of record for these two inventors are now Yaqiong FANG and Bin ZHOU, as set forth on the declaration filed 04 June 2008.

The renewed request under 37 CFR 1.497(d) to add Daniel A. SIMMS as an additional inventor of record is **GRANTED**.

Based on the above corrections in inventorship, the declaration filed 04 June 2008 is now acceptable in compliance with 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1),(c)(2), and (c)(4) is 04 June 2008.

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

0 4 AUG 2008

United States Patent and Trademark Office

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of :
Pugia :
Application No.: 12/096076 :
PCT No.: PCT/US2006/061555 :
Int. Filing Date: 04 December 2006 : DECISION
Priority Date: 07 December 2005 :
Attorney Docket No.: 2005P56021WOUS :
For: Detection Of Soluble Adiponectin Receptor Peptides :
And Use In Diagnostics And Therapeutics :

This is in response to the petition under 37 CFR 1.182 filed on 02 July 2008.

BACKGROUND

International application PCT/US2006/061555 was filed on 04 December 2006, claimed an earlier priority date of 07 December 2005, and designated the United States. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 07 June 2008. On 04 June 2008, applicant filed *inter alia* the basic national fee in 12/096076.

DISCUSSION

Petitioner observes that

> The ADS which was submitted with the original application incorrectly identified the International Application by leaving off one of the "5"s in the application number. The mistake was also made when the EFS form was filled out and submitted on-line. Applicant asserts that this was a clerical error and that the correct priority information was provided in the signed declaration/power of attorney document which was submitted simultaneously. A copy of the declaration is submitted herewith.
>
> Therefore, Applicant respectfully respects that the filing date of June 4, 2008 be accorded to this application and that the present application be considered a §371 application of PCT/US2006/061555.

Review of the application file reveals that the Electronic Acknowledgment Receipt dated 04 June 2008 refers to "PCT/US06/06155," while the executed declaration refers to "PCT/US2006/061555." The title of the invention and the inventor shown on the Electronic Acknowledgment Receipt match those appearing in published international application PCT/US2006/061555. In view of this ambiguity, a petition under 37 CFR 1.182 is required to clarify which international application is to enter the national stage under 35 U.S.C. 371. In view of the totality of the evidence of record, including counsel's statements, it would be appropriate to regard this application as the national stage of PCT/US2006/061555.

The $400.00 petition fee is being charged to Deposit Account No. 19-2179, as authorized in the petition.

DECISION

The petition under 37 CFR 1.182 is **GRANTED** as described above.

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/US2006/061555. This processing will include the correction of the electronic records of the USPTO to refer to PCT/US2006/061555. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **04 June 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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13 JUN 2008

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of	:	
DAR, et al.	:	
Application No.: 12/096,077	:	
PCT No.: PCT/IL06/01326	:	DECISION ON PETITION
Int. Filing Date: 16 November 2006	:	
Priority Date: 16 November 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: BION-031/01WO 307799-2068	:	
For: GAIT MODULATION SYSTEM AND METHOD	:	

The petition to revive under 37 CFR 1.137(b) filed 04 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the national phase application under 35 U.S.C. § 371 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.

A review of the presently filed declaration does not comply with 37 CFR 1.497 (a)-(b).

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains three pages numbered "3." 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.

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
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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.
12/096,087	06/04/2008	Edwin C. Hahlbeck	ZHHZ 200035US01	8540

27885 7590 02/19/2010

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
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Cleveland, OH 44115

EXAMINER	
WAKS, JOSEPH	

ART UNIT	PAPER NUMBER
2839	

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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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of	:	
Edwin HAHLBECK	:	DECISION ON PETITION
Application No. 12/096,087	:	TO MAKE SPECIAL UNDER
Filed: 04 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. ZHHZ 200035US01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 17 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 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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65913
NXP, B.V.
NXP Intellectual Property Department
M/S41-SJ
1109 McKay Drive
San Jose, CA 95131

In re Application of :
DAINECHE *et al* :
U.S. Application No.: 12/096,165 :
PCT No.: PCT/IB2006/053879 :
Int. Filing Date: 20 October 2006 : **DECISION ON**
Priority Date: 28 October 2005 : **PETITION UNDER**
Docket No.: 002129 US1 : **37 CFR 1.137(b)**
For: A SLAVE AND A MASTER DEVICE, A SYSTEM INCORPORATING THE DEVICES, AND A METHOD OF OPERATING THE SLAVE DEVICE :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 June 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.

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

03 APR 2009

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Marshall, Gerstein & Borun LLP
233 S. Wacker Drive
6300 Sears Tower
Chicago, Illinois 60606-6357

In re Application of :
LEES et al. :
Application No.: 12/096,169 :
PCT No.: PCT/GB2006/004493 :
Int. Filing Date: 1 December 2006 :
Priority Date: 5 December 2005 :
Docket No.: 29610/CDT808 : DECISION
For: CAVITY GLASS FOR LIGHT-EMISSIVE :
DEVICE AND A METHOD FOR :
MANUFACTURING THE SAME :

This is in response to applicant's "Petition 37 C.F.R. §1.47(b)" filed 9 January 2009, which is also being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 1 December 2006, applicant filed international application PCT/GB2006/004493, which claimed priority of an earlier United Kingdom application filed 5 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 5 June 2008.

On 4 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 09 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 09 January 2009, applicant filed the present petition under 37 CFR 1.47(b) and request for status under 37 CFR 1.42.

On 06 March 2009, applicant filed a supplemental petition under 37 CFR 1.47(b).

DISCUSSION

I. Request for Status under 37 CFR 1.42

The present request for status states that sole inventor Russell Lees is deceased.

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.

In the present case, applicant has failed to supply an oath or declaration in compliance with 37 CFR 1.497(b)(2).

II. Petition under 37 CFR 1.47(b)

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

With regard to item (1) above, the requisite fee has been provided.

With regard to item (2) above, the petition states that the deceased inventor's legal representative Angela Lees cannot be found. Copies of letters sent via three different mail couriers, a copy of envelope showing "unable to deliver," and the internet search of the last known address of inventor's legal representative were provided. These documents are sufficient to establish that inventor's legal representative cannot be reached after diligent effort.

With regard to item (3) above, the petition states the last known address of the legal representative of the nonsigning inventor.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor's legal representative has not been provided. Furthermore, MPEP 324 states that when an assignee files an application under 37 CFR 1.47(b), ownership of the application must be established. Under 37 CFR 3.73(b)(1), ownership of the application may be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

The present petition states that the deceased inventor had agreed in writing to assign the invention to the 1.47(b) applicant Cambridge Display Technology Limited ("CDT").

MPEP 409.03(f) states in the relevant part,

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

In the present case, petitioner has provided a copy of an employment agreement signed by the deceased inventor Russell Lees. The employment agreement specifies that inventions arising in the course of or as a result of work done during Mr. Lees' employment with CDT are owned by CDT (see employment agreement, ¶16.2). However, petitioner has not provided a statement from a person with first hand knowledge of the invention, i.e. a person who personally observed the present invention being made during Mr. Lees' employment with CDT.

With regard to item (6) above, a statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has not been provided.

CONCLUSION

For the reasons set forth in §I above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

For the reasons set forth in §II above, the petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for status under 37 CFR 1.42 and Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

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

Celine Qian
Examiner
Office of PCT Legal Administration
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Fax: (571) 273-0459

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

- 4 JAN 2010

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MARSHALL, GERSTEIN & BORUN LLP
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CHICAGO IL 60606-6357

In re Application of	:	
LEES	:	
Application No.: 12/096,169	:	DECISION
PCT No.: PCT/GB2006/004493	:	
Int. Filing Date: 01 December 2006	:	
Priority Date: 05 December 2005	:	
Attorney Docket No.: 29610/CDT808	:	
For: CAVITY GLASS FOR LIGHT-EMISSIVE DEVICES AND A METHOD FOR MANUFACTURING THE SAME	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(b) filed 05 October 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2006, applicant filed international application PCT/GB2006/004493, which claimed a priority date of 05 December 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (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 05 June 2008.

On 04 June 2008, applicant 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 09 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 January 2009, applicant submitted a petition under 37 CFR 1.47(b) and a request for status under 37 CFR 1.42.

On 06 March 2009, applicant filed a supplemental petition under 37 CFR 1.47(b).

On 03 April 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(b). Specifically, it was noted that the following had not been provided: proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application; an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventors; and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. The decision also dismissed without prejudice applicant's request for status under 37 CFR 1.42.

On 05 October 2009, applicant submitted a renewed petition under 37 CFR 1.47(b) and a renewed request for status under 37 CFR 1.42.

DISCUSSION

Request for Status Under 37 CFR 1.42

The submission filed 05 October 2009 has been reviewed and has been found in compliance with 37 CFR 1.42.

Petition Under 37 CFR 1.47(b)

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 03 April 2009, items (1)-(3) have been met.

Item (4) has now been met. The declaration of the inventor filed 05 October 2009 is in compliance with 37 CFR 1.497(a)-(b).

Item (5) has also been met. The decision mailed 03 April 2009 indicated that a statement from a person having first hand knowledege of the invention being made during Mr. Lees' employment with CDT had not been provided. The statement of William Young provided 05 October 2009 is sufficient.

Item (6) has now been satisfied as well.

CONCLUSION

For the above reasons, applicant's request for status under 37 CFR 1.42 is **ACCEPTED**.

For the above reasons, applicants' renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to legal representative non-signing inventor at her last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being 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 **05 October 2009**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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- 4 JAN 2010

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Angela Lees
1A Egremont Street
Ely, Cambridgeshire CB6 1AE
United Kingdom

In re Application of
LEES
Application No.: 12/096,169
PCT No.: PCT/GB2006/004493
Int. Filing Date: 01 December 2006
Priority Date: 05 December 2005
Attorney Docket No.: 29610/CDT808
For: CAVITY GLASS FOR LIGHT-EMISSIVE DEVICES AND A METHOD FOR MANUFACTURING THE SAME

Dear Ms. Lees:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 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
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04 FEB 2009

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

In re Application of KIM et al	:	
U.S. Application No.: 12/096,198	:	
PCT Application No.: PCT/KR2006/005379	:	
Int. Filing Date: 11 December 2006	:	
Priority Date Claimed: 09 December 2005	:	
Attorney Docket No.: CU-6815 WWP	:	DECISION
For: SYSTEM AND METHOD FOR TRANSMITTING/RECEIVING THREE DIMENSIONAL VIDEO BASED ON DIGITAL BROADCASTING	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 22 December 2008.

BACKGROUND

On 11 December 2006, applicant filed international application PCT/KR2006/005379, which claimed priority of an earlier Korea application filed 09 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 09 June 2008.

On 05 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) and a declaration executed by eight of the nine joint inventors.

On 10 September 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 22 December 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

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

The petition states that joint inventor Seung-Won Kim cannot be found. However, the petition does not sufficiently demonstrate that a diligent effort was made to locate Kim. Specifically, although the petition establishes that petitioner unsuccessfully attempted to reach Kim by postal mail and by searching telephone directories (see affidavit of Hyang-Sil Kim and Appendices 1 and 2), the petition does not include documentary evidence (i.e. an affidavit from a person with firsthand knowledge) of the purported attempts made by Electronics and Telecommunications Research Institute ("ETRI") to obtain Kim's signature. Thus, it would not be reasonable to conclude at the present time that Kim cannot be found.

With regard to item (3) above, the requisite petition fee will be charged to Deposit Account No. 12-0400 as authorized in the petition.

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

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 10 September 2008 was sent prematurely and is therefore VACATED.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 8 APR 2009

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

In re Application of KIM et al	:	
U.S. Application No.: 12/096,198	:	
PCT Application No.: PCT/KR2006/005379	:	
Int. Filing Date: 11 December 2006	:	
Priority Date Claimed: 09 December 2005	:	
Attorney Docket No.: CU-6815 WWP	:	DECISION
For: SYSTEM AND METHOD FOR TRANSMITTING/RECEIVING THREE DIMENSIONAL VIDEO BASED ON DIGITAL BROADCASTING	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 12 March 2009.

BACKGROUND

On 11 December 2006, applicant filed international application PCT/KR2006/005379, which claimed priority of an earlier Korea application filed 09 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 09 June 2008.

On 05 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) and a declaration executed by eight of the nine joint inventors.

On 10 September 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 22 December 2008, applicant filed a petition under 37 CFR 1.47(a).

On 04 February 2009, this Office mailed a decision dismissing the 22 December 2008 petition.

On 12 March 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition includes a declaration executed by the previously nonsigning inventor. This is a proper reply to the decision mailed 04 February 2009.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 11 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 March 2009.

The application will be forwarded to the DO/EO/US for processing in accordance with this decision, including preparation and mailing of a new Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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26 JUN 2008

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32836
GUERIN & RODRIGUEZ, LLP
5 Mount Royal Avenue
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Marlborough, MA 01752

In re Application of :
MONGA *et al* :
U.S. Application No.: 12/096,229 :
PCT No.: PCT/US2006/060562 :
Int. Filing Date: 06 November 2006 :
Priority Date: 08 November 2005 :
Attorney Docket No.: NOR-130US :
For: SELECTIVE MULTICASTING OF SENSOR DATA FOR RELIABLE DELIVERY :

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 05 June 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.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

27 OCT 2009

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Spokane, WA 99201

In re Application of :
WOOD *et al* :
U.S. Application No.: 12/096,235 :
PCT No.: PCT/US2006/044871 : **DECISION**
Int. Filing Date: 16 November 2006 :
Priority Date: 05 December 2005 :
Attorney Docket No.: MS1-3788US :
For: AUTOMATIC CAPTURE MODES :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 10 December 2008.

BACKGROUND

On 12 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 10 December 2008, applicants filed a response which was accompanied by, *inter alia*, the subject petition; a two-month extension and fee; a surcharge fee; a $130.00 petition fee; a declaration signed by six of the seven named inventors; Exhibits A - B; and authorization to charge any required fees to Deposit Account No. 12-0769.

DISCUSSION

Applicants claim that joint inventor Lyndsay Williams refuses to cooperate in the above-identified application and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 12 August 2008.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing 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 inventors. All items have been satisfied.

Concerning item (1), the fee for a petition under 37 CFR 1.47 changed to

$200.00 on 08 December 2004. Petitioners submitted a $130.00 petition fee. The $70.00 difference has been charged to Deposit Account No. 12-0769 as authorized.

Item (1) of 37 CFR 1.47(a) is complete

Regarding item (2), the 37 CFR 1.47(a) applicants submitted evidence (Exhibit B) indicating that a complete copy of the subject application was forwarded to the nonsigning inventor via email on 08 May 2008. The nonsigning inventor responded on 09 May 2008 and stated that she would only sign the documents if she received additional payment. This email constitutes a written refusal to cooperate as contemplated in section 409.03(d) of the MPEP.

This is sufficient to show a refusal to cooperate and meets item (2) of 37 CFR 1.47(a) above.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by six of the seven named inventors on behalf of themselves and the nonsigning joint inventor. The residences, addresses and citizenship of all the inventors are recorded on the declaration. This declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

Item (4) of 37 CFR 1.47(a) is satisfied.

With regards to item (3), applicants provided the business address of Ms. Williams in the subject petition. However, applicants must also provide the most recent home address of the nonsigning inventor to enable the Office to communicate directly with the inventor if necessary. *See* MPEP § 605.03.

For this reason, item (3) 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. 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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

26 FEB 2010

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In re Application of :
WOOD *et al* :
U.S. Application No.: 12/096,235 :
PCT No.: PCT/US2006/044871 :
Int. Filing Date: 16 November 2006 : **DECISION**
Priority Date: 05 December 2005 :
Attorney Docket No.: MS1-3788US :
For: AUTOMATIC CAPTURE MODES :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed

BACKGROUND

On 27 October 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 22 December 2009, applicants filed the subject response.

DISCUSSION

Applicants claim that Lyndsay Williams refuses to cooperate in the above-identified application.

Applicants completed all requirements of 37 CFR 1.47(a) in the initial petition filed 10 December 2008 except providing the most recent home address of the nonsigning inventor.

In the renewed petition, applicants have provided the missing address of Lyndsay Williams as:

9 Gallagher Close,
Milton Keynes
MK8 0 LQ,
United Kingdom.

All items of 37 CFR 1.47(a) are now satisfied.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 November 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 December 2008.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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26 FEB 2010

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Ms. Lyndsay Williams
9 Gallagher Close,
Milton Keynes
MK8 0 LQ,
United Kingdom.

In re Application of
WOOD *et al*
U.S. Application No.: 12/096,305
PCT No.: PCT/US2006/044871
Int. Filing Date: 16 November 2006
Priority Date: 05 December 2005
Docket No.: MS1-3788US
For: AUTOMATIC CAPTURE MODES

Dear Ms Williams:

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
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- 7 JUN 2010

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In re Application of :
WOOD *et al* :
U.S. Application No.: 12/096,235 :
PCT No.: PCT/US2006/044871 :
Int. Filing Date: 16 November 2006 : **DECISION**
Priority Date: 05 December 2005 :
Attorney Docket No.: MS1-3788US :
For: AUTOMATIC CAPTURE MODES :

This decision is in response to applicants' petition to expunge filed 13 May 2010 and request to expedite the petition to expunge filed 17 May 2010. These papers are treated as a petition under 37 CFR 1.59(b) and 37 CFR 1.182 respectively.

BACKGROUND

On 13 May 2010, applicants filed a petition under 37 CFR 1.59(b) to expunge certain information which was accompanied by, *inter alia*, a $200.00 petition fee and redacted copies of Exhibit A and B previously filed on 10 December 2008 and 22 December 2009.

On 17 May 2010, applicants filed a petition under 37 CFR 1.182 to expedite processing of the petition to expunge filed 13 May 2010. A $400.00 petition fee was also provided.

DISCUSSION

Petition Under 37 CFR 1.182

Applicants seek to expedite processing of the petition to expunge information which was originally filed on 13 May 2010. This petition is considered pursuant to 37 CFR 1.182. The $400.00 petition fee has been paid.

Applicants' request is hereby **GRANTED**. The petition to expunge will be considered below.

Petition to Expunge Under 37 CFR 1.59(b)

Applicants request to expunge from the public record Exhibit A and Exhibit B

submitted with a petition under 37 CFR 1.47(a) filed 10 December 2008 and a renewed petition under 37 CFR 1.47(a) filed 22 December 2009. Applicants claim that this information was unintentionally submitted without the redaction of private and confidential information. Applicants included redacted copies of Exhibit A and Exhibit B with the subject petition.

Section 724.05 (II) of the MPEP states, in part:

> A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b) provided that:
>
> (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
>
> (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
>
> (C) the information has not otherwise been made public;
>
> (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
>
> (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
>
> (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

In this case, applicants have stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm. The petition to expunge fee of $200.00 pursuant to 37 CFR 1.17(g) has been paid. The information is not considered to have been otherwise made public.

Moreover, the redacted information contained in Exhibit A and Exhibit B would not have effected the decision granting the renewed petition under 37 CFR 1.47(a). Thus, the information is not considered material information pursuant to 37 CFR 1.56. This is sufficient for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.182 to expedite processing of the petition to

expedite is hereby **GRANTED.**

Applicants' petition to expunge information unintentionally submitted in an application pursuant to 37 CFR 1.59(b) is hereby **GRANTED**.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicants; in the Image File Wrapper (IFW) realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents."

It is agreed that it would be appropriate in this instance to split Exhibits A and B from the petition filed 10 December 2008 and renewed petition filed 22 December 2009 and close Exhibit A and B in each. Exhibits A and B were filed as part of a petition under 37 CFR 1.47(a), the listing of which will remain in IFW. Exhibits A and B will not be listed separately as "Public[ly available] Documents."

As a condition of this favorable treatment applicants are required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

This application is being forwarded to Group Art Unit 2117 for examination.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

02 JUL 2008

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MOUNT ROYAL OFFICE PARK
MARLBOROUGH, MA 01752

In re Application of MONGA et al	:	
U.S. Application No.: 12/096,238	:	
PCT Application No.: PCT/US2006/060560	:	
Int. Filing Date: 06 November 2006	:	DECISION
Priority Date Claimed: 08 November 2005	:	
Attorney Docket No.: NOR-136US	:	
For: DYNAMIC SENSOR NETWORK REGISTRY	:	

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 05 June 2008.

BACKGROUND

On 06 November 2006, applicant filed international application PCT/US2006/060560, which claimed priority of an earlier United States application filed 08 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 08 May 2008.

On 09 May 2008, international application PCT/US2006/060560 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 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.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.[1]

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

[1] Applicant is advised that the declaration filed 05 June 2008 does not sufficiently identify the specification to which it is directed.

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SEATTLE, WA 98101

In re Application of	:	
SHIN, Jong D.	:	
Application No. 12/096,304	:	DECISION ON PETITION
Filed: June 05, 2008	:	TO WITHDRAW
Attorney Docket No. **JOEN-101(PCT)(US)**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2009.

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

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

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1630

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KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of
SHIN, Jong D.
Application No. 12/096,304
Filed: June 05, 2008
Attorney Docket No. **JOEN-101(PCT)(US)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2009.

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

A review of the file record indicates that the power of attorney to KELLEY DRYE & WARREN LLP has been revoked by the applicant of the patent application on April 15, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **TUROCY & WATSON, LLP**
127 PUBLIC SQUARE
57TH FLOOR, KEY TOWER
CLEVELAND, OH 44114

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In re Application of :
WOOD *et al* :
U.S. Application No.: 12/096,305 :
PCT No.: PCT/US2006/045371 : **DECISION**
Int. Filing Date: 24 November 2006 :
Priority Date: 05 December 2005 :
Docket No.: MS1-3790US :
For: TRANSFERRING OF DIGITAL IMAGES :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 08 December 2008.

BACKGROUND

On 07 August 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 08 December 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by six of the seven joint inventors on behalf of the nonsigning inventor; a $130.00 surcharge fee; a $130.00 petition fee; a two-month extension of time and fee; and documentary evidence in support of the petition (exhibits A - B).

DISCUSSION

Applicants claim that co-inventor Lyndsay Williams refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

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

Applicants submitted a $130.00 petition fee. The petition fee is $200.00. The $70.00 difference has been charged to Deposit Account No. 12-0769 as authorized.

The last known address of the nonsigning inventor was provided. An executed declaration meeting the requirements of section 409.03(a) of the MPEP and 37 CFR 1.497(a) and (b) was provided.

Regarding item (2), applicants included documentary evidence showing that a complete copy of the subject application was sent by email to the nonsigning inventor on 08 May 2008. The email response from the nonsigning inventor dated 09 May 2008 indicates an unwillingness to cooperate until receipt of further payment. This action constitutes a written refusal to join as contemplated by section 409.03(d)(II) of the MPEP and satisfies item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' 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 24 November 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 08 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

11 FEB 2009

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Ms. Lyndsay Williams
Managing Director
Girton Laboratories Ltd.
51 Weavers Field
Girton Cambridge
CB3 0XB
United Kingdom

In re Application of
WOOD *et al*
U.S. Application No.: 12/096,305
PCT No.: PCT/US2006/045371
Int. Filing Date: 24 November 2006
Priority Date: 05 December 2005
Docket No.: MS1-3790US
For: TRANSFERRING OF DIGITAL IMAGES

Dear Ms Williams:

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
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- 8 JUL 2010

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In re Application of
WOOD *et al*
U.S. Application No.: 12/096,305
PCT No.: PCT/US2006/045371
Int. Filing Date: 24 November 2006
Priority Date: 05 December 2005
Attorney Docket No.: MS1-3790US
For: TRANSFERRING OF DIGITAL IMAGES

DECISION

This decision[1] is in response to applicants' petition to expunge filed 13 May 2010 and request to expedite the petition to expunge filed 17 May 2010. These papers are treated as a petition under 37 CFR 1.59(b) and 37 CFR 1.182 respectively.

BACKGROUND

On 13 May 2010, applicants filed a petition under 37 CFR 1.59(b) to expunge certain information filed on 08 December 2008 which was accompanied by, *inter alia*, redacted copies of Exhibit A and B previously filed on 08 December 2008 and a $200.00 petition fee.

On 17 May 2010, applicants filed a petition under 37 CFR 1.182 to expedite processing of the petition to expunge filed 13 May 2010. A $400.00 petition fee was also provided.

DISCUSSION

Petition Under 37 CFR 1.182

Applicants seek to expedite processing of the petition to expunge information which was originally filed on 13 May 2010. This petition is considered pursuant to 37 CFR 1.182. The $400.00 petition fee has been paid.

Applicants' request is hereby **GRANTED**. The petition to expunge will be

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[1] This decision was originally mailed on 07 June 2010. However, the U.S. application number was erroneously listed as U.S. application No. 12/096,235. Applicants should note that the redacted material was removed from the above-captioned application on 07 June 2010.

considered below.

Petition to Expunge Under 37 CFR 1.59(b)

Applicants request to expunge from the public record Exhibit A and Exhibit B of the petition under 37 CFR 1.47(a) originally filed 08 December 2008. Applicants claim that this information was unintentionally submitted without the redaction of private and confidential information. Applicants included redacted copies of Exhibit A and Exhibit B with the subject petition.

Section 724.05 (II) of the MPEP states, in part:

> A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b) provided that:
>
> (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
>
> (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
>
> (C) the information has not otherwise been made public;
>
> (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
>
> (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
>
> (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

In this case, applicants have stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm. The petition to expunge fee of $200.00 pursuant to 37 CFR 1.17(g) has been paid. The information is not considered to have been otherwise made public.

Moreover, the redacted information contained in Exhibit A and Exhibit B filed on 08 December 2010 would not have effected the decision granting the petition under 37 CFR 1.47(a). Thus, the information is not considered material information pursuant to 37 CFR 1.56. This is sufficient for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.182 to expedite processing of the petition to expedite is hereby **GRANTED.**

Applicants' petition to expunge information unintentionally submitted in an application pursuant to 37 CFR 1.59(b) is hereby **GRANTED**.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicants; in the Image File Wrapper (IFW) realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents", if applicable.

It is agreed that it would be appropriate in this instance to split Exhibits A and B from the petition under 37 CFR 1.47(a) filed 08 December 2008 and close both Exhibit A and B. Exhibits A and B were part of a petition under 37 CFR 1.47(a), the listing of which will remain in IFW. Exhibits A and B will not be listed separately as "Public[ly available] Documents."

As a condition of this favorable treatment applicants are required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

This application is being forwarded to Group Art Unit 2625 for examination.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

22 JUL 2010

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

22801
LEE & HAYES PLLC
421 W. Riverside Avenue
Suite 500
Spokane, WA 99201

In re Application of :
WOOD *et al* :
U.S. Application No.: 12/096,305 :
PCT No.: PCT/US2006/045371 : **DECISION**
Int. Filing Date: 24 November 2006 :
Priority Date: 05 December 2005 :
Attorney Docket No.: MS6-0233US :
For: TRANSFERRING OF DIGITAL IMAGES :

This decision is in response to the "Request for Correction to Filing Receipt" filed via facsimile on 07 June 2010 which is treated as a petition under 37 CFR 1.181 and hereby **DISMISSED** as follows:

Applicants request that the "Filing or 371(c) Date" on the filing receipt mailed 12 August 2009 be amended to 05 June 2008.

A review of the application shows that a declaration executed by five of the seven inventors was filed on 05 June 2008. The signatures of co-inventors Lyndsay WILLIAMS and James SRINIVASAN were missing.

A petition under 37 CFR 1.47(a) was filed on 08 December 2008 for co-inventor, Lyndsay WILLIAMS which was granted on 11 February 2009. Applicants also provided an executed declaration for James SRINIVASAN on 08 December 2008. Therefore, the date the 35 U.S.C. 371 requirements were met was 08 December 2008 and the "Filing or 371(c) Date" noted on the filing receipt mailed 12 August 2009 is correct. *See* MPEP § 1893.03(b)

The application will be forwarded to Technology Center 2625 for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
VOLOBUYEV, Dmitry M. et al.	:	
Application No. 12/096,367	:	DECISION ON PETITION
Filed: September 09, 2008	:	TO WITHDRAW
Attorney Docket No. **14673-011US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 02, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

19 SEP 2008

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

Morgan, Lewis & Bockius LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of :
LIPSHUTZ, Bruce :
U.S. Application No.: 12/096,372 :
PCT No.: PCT/US06/47257 :
Int. Filing Date: 12 December 2006 : DECISION ON PETITION
Priority Date: 15 December 2005 : (37 CFR 1.182)
Attorney Docket No.: 061810-5002-US03 :
For: PRACTICAL, COST-EFFECTIVE :
SYNTHESIS OF UBIQUINONES

This decision is issued in response to applicant's "Petition to Correct Domestic Priority Information" filed 26 August 2008. The petition, treated herein under 37 CFR 1.182, seeks to correct the bibliographic data (international application number) for the national stage application papers filed 05 June 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/US06/47257. Deposit Account No. 50-0310 will be charged the required $400 petition fee, as explained below.

BACKGROUND

On 12 December 2006, applicant filed international application PCT/US06/47257, which claimed a priority date of 21 December 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, 15 June 2008.

On 05 June 2008, applicant 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 12/096,372.

The materials filed 05 June 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/US06/47257, filed 12 December 2006. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US06/47258. Thus, applicants' 05 June 2008 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/US06/47257 and PCT/US06/47258.

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/US06/47258, the international application number set forth in the

bibliographical data provided by applicant when filing the electronic application.

DISCUSSION

Applicant states in the present petition that the United States Patent and Trademark Office entered the incorrect priority information for the above-identified application. Applicant assertion is incorrect. The EFS Web Electronic Acknowledgment Receipt generated at the time filing clearly indicated that applicant (EFS-Web filer) identified the international application as PCT/US06/47258. Applicant's entry of PCT/US06/47258 during the electronic filing process has caused the present application file to be initiated as a national stage of PCT/US06/47258. Moreover, due to the conflicting instructions in the 05 June 2008 filing, the U.S. basic national fee filed on 05 June 2008 cannot, on the present record, be treated as having been directed to PCT/US06/47257 (as necessary to avoid abandonment of such application).

As noted above, correction of this error is required before the materials filed 05 June 2008 can be treated as having been directed to international application PCT/US06/47257, as necessary to avoid abandonment of the international application with respect to the United States. Here, applicants confirm that the correct international application is PCT/US06/47257 and the petition further states that the correct international application number was listed on the Transmittal Letter and Application Data Sheet filed 05 June 2008. Applicants' present submission included the authorization to charge counsel's deposit Account the required petition fee to correct applicant's error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicants' error in the bibliographical data filed 05 June 2008 and to permit such materials to be treated as having been directed to international application PCT/US06/47257.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 05 June 2008 have been assigned U.S. application number 12/096,372, and will be treated as the national stage of PCT/US06/47257.

The period for response set forth in the Notification of Missing Requirements, mailed 15 August 2008, remains in effect. 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

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PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

MAILED

APR 19 2010

OFFICE OF PETITIONS

Applicant: Janice Anson, et al.
Appl. No.: 12/096,437
International Filing Date: October 30, 2006
Title: AIR FRESHENING COMPOSITION
Attorney Docket: 102792-890 (11762P1 US)
Pub. No.: US 2009/0016966 A1
Pub. Date: January 15, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 18, 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 6, 2008 was not included in the publication.

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). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[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).

Since 1997, the Office has encouraged applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and divisional applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application. In order to have a patent application publication of a continuation or divisional application contain only a desired set of claims, rather than the set of claims in the prior application, the Office strongly recommended that the continuation or divisional application be filed under 37 CFR 1.53(b) with a new specification containing only the desired set of claims.

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 18, 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.

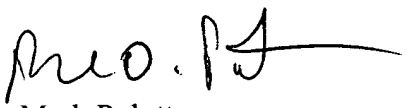
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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

19 NOV 2008

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of RUHDORFER	:	
U.S. Application No.: 12/096,468	:	
PCT Application No.: PCT/EP2007/000387	:	DECISION
Int. Filing Date: 17 January 2007	:	
Priority Date Claimed: 18 January 2006	:	
Attorney Docket No.: P34261	:	
For: METHOD FOR PRODUCING A CLADDING ELEMENT	:	

This is in response to the correspondence filed 19 September 2008, which is being treated as a petition under 37 CFR 1.182. The requisite $400.00 petition fee will be charged to Deposit Account No. 19-0089 as authorized in the petition.

BACKGROUND

On 17 January 2007, applicant filed international application PCT/EP2007/000387, which claimed priority of an earlier Germany application filed 18 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 26 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 18 July 2008.

On 06 June 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 ("EFS-Web"). The international application number was entered into the EFS-Web user interface as "PCT/EP07/00837".

On 19 August 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which identified the international application number as "PCT/EP07/00837".

On 19 September 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the incorrect international application number was inadvertently entered into the EFS-Web user interface. A review of the application file reveals that the correct international application number "PCT/EP2007/000387" was present on, *inter alia*, the transmittal letter (Form PTO-1390). Applicant's explanation for the error is accepted.

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 18 August 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 17 January 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 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, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should identify the international application number as "PCT/EP2007/000387".

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

ATTACHMENT: corrected filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/096,530	10/20/2008	Gareth Jones	703.002US01	2404

34206 7590 03/12/2010

FOGG & POWERS LLC
5810 W 78TH STREET
SUITE 100
MINNEAPOLIS, MN 55439

EXAMINER	
ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
03/12/2010	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):

DAVID@FOGGLAW.COM
docketing@fogglaw.com

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FOGG & POWERS LLC
5810 W 78TH STREET
SUITE 100
MINNEAPOLIS MN 55439

Applicant: Jones et al.
Appl. No.: 12/096,530
Filing Date: October 20, 2008
Title: IMPROVED LED ARRAY
Attorney Docket No.: 703.002US01
Pub. No.: US 2009/0322227 A1
Pub. Date: December 31, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 5, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the Applicant submitted the papers in paper rather than via the electronic filing system.. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

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

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

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

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

By facsimile: 571-273-8300

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

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 03/12/2010 KKING1
01/14/2010 INTEFSW 00008461 12096530
01 FC:1504 -300.00 OP

Refund Ref:
03/12/2010 0030081038

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX3002

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of :
KWON, YEON HYEON, et al. :
Application No. 12/096,565 :
Filed: October 06, 2008 :
Attorney Docket No. 2101-3482 :
:
:

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 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 OCT 2008

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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39232
THEMIS INTELLECTUAL PROPERTY COUNSEL
7660 Fay Ave, Ste. H535
La Jolla, CA 92037

In re Application of :
BORELLA, Alessandro :
U.S. Application No.: 12/096,605 :
PCT No.: PCT/IT2005/000656 :
Int. Filing Date: 11 November 2005 :
Priority Date: None :
Docket No.: 08UVB105 :
For: SHOE WITH NEW BREATHABLE WATERPROOF SOLE :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 08 June 2008 is hereby **GRANTED** as follows:

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

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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SEP 14 2009

OFFICE OF PETITIONS

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE, SUITE 1319
HOUSTON, TX 77079

In re Application of :
Moana Nui A Kiwa RANGIUAIA :
Application No. 12/096,611 : DECISION ON PETITION TO
Filed: October 20, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **PIET-01601-NUS** :

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 10, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **MATTHIAS SCHOLL** has been revoked by the applicant of the patent application on September 1, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **BIO INTELLECTUAL PROPERTY SERVICES (BIO IPS) LLC**
8509 KERNON CT.
LORTON VA 22079

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of :
Makarand Paranjape :
Application No. 12/096,769 : DECISION ON PETITION
Filed: March 17, 2009 : TO WITHDRAW
Attorney Docket No. **23296-003US1** : FROM RECORD
:

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

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

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 assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the 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).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of
Makarand Paranjape
Application No. 12/096,769
Filed: March 17, 2009
Attorney Docket No. **23296-003US1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 26, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

As stated in the previous decision mailed December 17, 2009, 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 assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the 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).

Therefore, as there is still currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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MINNEAPOLIS MN 55440-1022

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of
Makarand Paranjape
Application No. 12/096,769
Filed: March 17, 2009
Attorney Docket No. **23296-003US1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 28, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Statement under 37 CFR 3.73(b) form filed with the instant request was incomplete. Petitioner failed to identify the interest of ownership. Therefore, the request cannot be approved at this time.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2009

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

C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

In re Application of KASHKAROV et al.	:
Application No.: 12/096,783	: DECISION ON
PCT No.: PCT/US06/62725	:
Int. Filing: 29 December 2006	: PETITION
Priority Date: 30 December 2005	:
Attorney Docket No.: 14673-008US	:UNDER 37 CFR 1.47(a)
For: EMBOLUS BLOOD CLOT FILTER SYSTEM	:

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 23 March 2009. The petition fee was paid along with a request for a three month extension of time, which was granted. On 21 May 2009, Petitioner filed a declaration executed by previously non-signing inventor ALEXANDER GERMANOVICH KASHKAROV.

BACKGROUND

On 09 June 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 22 October 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 23 March 2009, applicant filed a petition along with a declaration, executed by the joint 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 alleging that Mr. KASHKAROV refuses to sign the application.

Before a decision on the petition was rendered, on 21 May 2009, applicant filed the executed declaration of inventor KASHKAROV.

DISCUSSION

Regarding previously non-signing inventor, Petitioner has now provided a declaration

executed by ALEXANDER GERMANOVICH KASHKAROV. However, the declaration is unacceptable as it does not meet the requirements of 37 CFR 1.497(a) and (b). Each declaration only identifies one of the two joint inventors and is executed by that inventor. Pursuant to 37 CFR 1.497(a), the oath or declaration must be executed in accordance with either 37 CFR 1.66 or 1.68, identify the specification to which it is directed and identify each inventor and state their respective citizenship. 37 CFR 1.497(b)(1) requires the oath or declaration to be made by all of the actual inventors except as provided for in 1.42, 1.43 or 1.47. The declaration submitted is not in compliance with 37 CFR 1.497(a) and (b)(1) and is unacceptable.

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. However, as set forth above, the declarations are unacceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

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

The declarations executed by the inventors and submitted on 23 March and 21 May 2009, are not in compliance with 37 CFR 1.497(a) and (b) and are unacceptable. A new declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 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

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Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 1 OCT 2009

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C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

In re Application of KASHKAROV et al.	:
Application No.: 12/096,783	: DECISION ON
PCT No.: PCT/US06/62725	:
Int. Filing: 29 December 2006	: DECLARATION
Priority Date: 30 December 2005	:
Attorney Docket No.: 14673-008US	:UNDER 37 CFR 1.497(a) & (b)
For: EMBOLUS BLOOD CLOT FILTER SYSTEM	:

This is a decision on applicant's response to a decision on petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 20 August 2009.

On 22 October 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 23 March 2009, applicant filed a petition along with a declaration, executed by the joint 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 alleging that Mr. KASHKAROV refuses to sign the application.

Before a decision on the petition was rendered, on 21 May 2009, applicant filed the executed declaration of inventor Kashkarov. On 26 June 2009, a decision dismissing the petition as moot was mailed; however, the decision indicated that a new declaration, in compliance with 37 CFR 1.497(a) and (b) was required.

On 20 August 2009, applicant submitted a newly executed declaration. On 17 September 2009, prior to this decision, a Notification of Acceptance and filing receipt were mailed.

Petitioner provided a declaration executed by the joint inventors and in compliance with the requirements of 37 CFR 1.497(a) and (b) and is acceptable. The 17 September 2009 Notification of Acceptance remains in effect.

The application will be forwarded to Art Unit 3734 for examination 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

21 SEP 2009

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

PROSKAUER ROSE LLP
1001 PENNSYLVANIA AVE, N.W.,
SUITE 400 SOUTH
WASHINGTON DC 20004

In re Application of:
SOKOLOV, Eugene, Lvovitch, et al.
U.S. Application No.: 12/096,814
PCT No.: PCT/US2006/062720
International Filing Date: 29 December 2006
Priority Date: 30 December 2005
Atty's Docket No.: 14673-005US
For: EMBOLUS BLOOD CLOT FILTER WITH FLOATING FILTER BASKET

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47" filed 03 April 2009, treated herein under 37 CFR 1.47(a). Applicants have submitted the required petition fee.

BACKGROUND

On 29 December 2006, applicants filed international application PCT/US2006/062720. The international application claimed a priority date of 30 December 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., 30 June 2008.

On 10 June 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 03 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 03 April 2009, applicants filed a response to the Notification Of Missing Requirements (with the required five-month extension fee). The response included a partially executed declaration and the "Petition Under 37 CFR 1.47" considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Eugene Lvovitch SOKOLOV, whom petitioner asserts is unavailable.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or

declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

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

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

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

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Eugene Lvovitch SOKOLOV. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), petitioner asserts that the non-signing inventor cannot be reached or found after diligent effort. MPEP section 409.03(d) sets forth the requirements for showing that an inventor cannot be reached after diligent effort as follows:

> 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.

Petitioner here asserts that a letter was sent to the non-signing inventor's last known address, but could not be delivered, and that internet searches have been performed. However, the petition does not include a firsthand statement from the person(s) who sent the signature request to the inventor and who performed the internet searches, providing specific details regarding such mailing and the internet searches performed. Nor has petitioner provided any documentary evidence to support a conclusion that the inventor cannot be located (e.g., copies of the letter mailed to the inventor, evidence that the letter could not be delivered, copies of the results of attempted internet searches, etc.), as required by the MPEP.

Petitioner must provide supplemental materials confirming that a diligent effort has been made to locate the non-signing inventor. Such materials must include firsthand statement(s) providing the details of the efforts made and the internet searches performed, as well as the

necessary supporting documents. Until such additional materials are provided, item (4) of a grantable petition is not satisfied.

CONCLUSION

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

22 OCT 2009

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

PROSKAUER ROSE LLP
One International Place
Boston MA 02110

In re Application of:	:	
SOKOLOV, Eugene, Lvovitch, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/096,814	:	PETITION
PCT No.: PCT/US2006/062720	:	(37 CFR 1.47(a))
International Filing Date: 29 December 2006	:	
Priority Date: 30 December 2005	:	
Atty's Docket No.: 14673-005US	:	
For: EMBOLUS BLOOD CLOT FILTER WITH FLOATING FILTER BASKET	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 29 September 2009. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 21 September 2009. The decision dismissed without prejudice the petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor had refused to execute the application or could not be located after diligent effort.

On 29 September 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes a firsthand statement, with supporting documents, describing the efforts made to locate the non-signing inventor. Such efforts included the mailing of a signature request to the non-signing inventor's last known address, internet searches, and contacting the inventor's former employer. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor cannot be located after diligent effort. Applicants have therefore satisfied the final requirement of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

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

The application is accepted without the signature of non-signing inventor Eugene Lvovitch SOKOLOV.

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing.. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 April 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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UNITED STATES PATENT AND TRADEMARK OFFICE

22 OCT 2009

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Eugene Lvovitch SOKOLOV
Grigorina St. 7, Apt 22
Gatchina, Leningradskava obl.
RUSSIA 188350

In re Application of: SOKOLOV, Eugene, Lvovitch, et al.
U.S. Application No.: 12/096,814
PCT No.: PCT/US2006/062720
International Filing Date: 29 December 2006
Priority Date: 30 December 2005
Atty's Docket No.: 14673-005US
For: EMBOLUS BLOOD CLOT FILTER WITH FLOATING FILTER BASKET

Dear Mr. SOKOLOV:

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

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

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

Counsel Of Record:

PROSKAUER ROSE LLP
One International Place
Boston MA 02110

Commissioner for Patents
United States Patent and Trademark Office
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CST

NOV 7 2008

In re application of	:	DECISION ON REQUEST TO
Norihiko Kawabata et al	:	PARTICIPATE IN PATENT
Serial No. 12/096,842	:	PROSECUTION HIGHWAY
Filed: June 10, 2008	:	PROGRAM AND
For: FILM ELECTRODE ASSEMBLY FOR FUEL CELL, POLYMER ELECTROLYTIC FUEL CELL FOR FUEL CELL AND METHOD FOR MANUFACTURING POLYMER ELECTROLYTIC FUEL CELL AND FILM ELECTRODE ASSEMBLY	:	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 October 3, 2008.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

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

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

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

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.
12/096,843		Shihe Xu	3003.002200	5452

7590 07/03/2008

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tom Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2008

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037

In re Application of	:	
Phukan et al.	:	
Application No.: 12/096,849	:	DECISION ON
PCT No.: PCT/IN2006/000290	:	
Int. Filing Date: 14 August 2006	:	PETITION UNDER
Priority Date: 17 August 2005	:	
Attorney Docket No.: Q108350	:	37 CFR 1.137(b)
For: A Novel Homology Model of the Glycogen Synthase Kinase 3 Alpha and Its Uses 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 10 June 2008. The required $1540.00 petition fee has been paid.

BACKGROUND

On 14 August 2006, applicant filed international application PCT/IN2006/000290 that designated the U.S. and claimed a priority date of 17 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 February 2008.

On 10 June 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, a Petition for Revival of an International Application for a Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b), and a Declaration of Inventorship.

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 19-4880 was charged for the basic national fee on 11 June 2008.

As to item (2), Deposit Account 19-4880 was charged for the petition fee on 11 June 2008.

As to item (3), applicant provided the required statement on 10 June 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
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= 4 DEC 2009

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C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

In re Application of
Kashkarov et al.
Application No.: 12/096,856
PCT No.: PCT/US2006/062719
Int. Filing Date: 29 December 2006
Priority Date: 30 December 2005
Attorney Docket No.: 14673-004US
For: Embolus Blood Clot Filter With Post Delivery Actuation

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 31 March 2009 and the correspondence filed on 21 May 2009.

BACKGROUND

This international application was filed on 29 December 2006, claimed an earliest priority date of 30 December 2005, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 June 2008. Applicants filed *inter alia* the basic national fee on 10 June 2008.

On 03 October 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).

Applicants filed the instant petition on 31 March 2009.

On 21 May 2009, applicants filed the instant correspondence entitled "Withdrawal of Petition."

On 14 July 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, objecting to the declaration of record.

On 13 August 2009, applicants filed a response, including a declaration.

On 01 September 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed.

DISCUSSION

The petition under 37 CFR 1.47(a) filed on 31 March 2009 sought relief on the basis that Alexander Kashkarov allegedly "cannot be found or reached after diligent effort." However, on 21 May 2009, applicants filed the instant correspondence entitled "Withdrawal of Petition." Counsel now "withdraws the Petition under 37 C.F.R. 1.47 dated 31 March 2009, as the missing

inventor has been found." Review of the record reveals that petitioner has presented a declaration signed by both Mr. Kashkarov and Mr. Chanduszko. As such, the petition under 37 CFR 1.47(a) is **MOOT**.

DECISION

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

This application is being returned to Technology Center 3734.

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

5 JUN 2009

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
JORDAN	:	
Application No.: 12/096,879	:	DECISION
PCT No.: PCT/US2006/065458	:	
Int. Filing Date: 18 August 2006	:	
Priority Date: 14 October 2005	:	
Attorney's Docket No.: 10191/5607	:	
For: METHOD FOR DETERMINING A VARIABLE	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed in the USPTO on 10 June 2008.

BACKGROUND

On 10 June 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter. The international application number keyed into EFS-Web was PCT/US06/65458. However, the Transmittal Letter indicates the international application number as PCT/EP2006/065458. The submission also included 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 basic national fee on 10 June 2008.

As to item (2), applicant submitted the petition fee on 10 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.

International Application Number

As noted above, the international application number keyed in to EFS-Web does not match the international application number on the Transmittal Letter filed 10 June 2008. Applicant is required to file a reply to this communication correcting the above-stated error. A proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f). (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent.)

CONCLUSION

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

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. **A proper response would include 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. (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent.)** Extensions of time under 37 CFR 1.136(a) are available. 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 or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

21 SEP 2009

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
JORDAN	:	
Application No.: 12/096,879	:	DECISION
PCT No.: PCT/EP2006/065458	:	
Int. Filing Date: 18 August 2006	:	
Priority Date: 14 October 2005	:	
Attorney's Docket No.: 10191/5607	:	
For: METHOD FOR DETERMINING A VARIABLE	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed in the USPTO on 29 July 2009.

BACKGROUND

On 10 June 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter. The international application number keyed into EFS-Web was PCT/US06/65458. However, the Transmittal Letter indicates the international application number as PCT/EP2006/065458. The submission also included a petition under 37 CFR 1.137(b).

On 05 June 2009, a decision was mailed granting applicants' petition under 37 CFR 1.137(b). However, the decision also indicated 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 29 July 2009, applicant 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/EP2006/065458**.

The declaration of inventors filed 20 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**.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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0 4 AUG 2009

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Tempe AZ 85280-1740

In re Application of KASHKAROV et al.	:
Application No.: 12/096,893	: DECISION ON
PCT No.: PCT/US06/62722	:
Int. Filing: 29 December 2006	: PETITION
Priority Date: 30 December 2005	:
Attorney Docket No.: 14673-007US	:UNDER 37 CFR 1.47(a)
For: REMOVABLE BLOOD CLOT FILTER WITH EDGE FOR CUTTING THROUGH THE ENDOTHELIUM	:

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 23 March 2009 and applicant's subsequent petition filed on 21 May 2009. Petitioner's request for a three month extension of time is granted.

BACKGROUND

On 10 June 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 23 October 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 23 March 2009, applicant filed a petition along with a declaration, executed by the joint inventor 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 Alexander Germanovich Kashkarov, alleging that Mr. Kashkarov cannot be found or reached to sign the application and is unavailable.

On 11 May 2009, a Notification of Acceptance was mailed to applicant indicating that the date of completion of all 35 U.S.C. 371 requirements and the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) was 23 March 2009.

On 21 May 2009, Petitioner filed the instant response along with an executed declaration.

DISCUSSION

At the outset it is noted that the 11 May 2009 Notification of Acceptance (Form PCT/DO/EO/903) was erroneous mailed to applicant and is hereby VACATED as the requirements under 35 U.S.C. 371 (c) had not yet been met at the time of issuance.

Petitioner presented the declaration signed by inventor Kashkarov and the joint inventor. However, a review of the declaration reveals that the first page of the declaration does not identify the application to which the declaration is directed. The title, application number and first named inventor appear to be miscellaneous typed characters. Although the declaration is executed by the inventors named in the international application, it is unacceptable as executed. A newly executed declaration must be submitted which complies with 37 CFR 1.497(a) and (b) and 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. However, as described above, the declaration is unacceptable as it does not comply with 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 Notification of Acceptance (Form PCT/DO/EO/903) mailed on 11 May 2009 is **VACATED.**

The declaration, executed by the joint inventors and submitted on 21 May 2009 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

Any reconsideration on the merits of this petition 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).

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.

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

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

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MARCUS G THEODORE, PC
466 SOUTH 500 EAST
SALT LAKE CITY UT 84102

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of :
THEODORE, Marcus et al. :
Application No. 12/798,089 : DECISION ON PETITION
Filed: March 30, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. **UV dis** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 24, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Marcus Theodore, attesting to his/her age. Accordingly, the above-identified application will be accorded "special" status.

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

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JUN 23 2010

OFFICE OF PETITIONS

In re Application of :
MCDERMOTT, John D. et al. :
Application No. 12/096,902 : DECISION ON PETITION
Filed: December 30, 2008 : TO WITHDRAW
Attorney Docket No. **14673-107US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 25, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

/Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **C. R. BARD, INC.**
BARD PERIPHERAL VASCULAR, INC.
1415 W. 3RD STREET
P.O. BOX 1740
TEMPE, AZ 85280-1740

31 OCT 2008

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Flynn, Thiel, Boutell & Tanis, P.C
305B Waters Building
161 Ottawa Ave., N.W.
Grand Rapids MI 49503

In re Application of :
HANSE, John K. :
U.S. Application No. 12/096,972 :
PCT No.: PCT/US06/13277 :
Int. Filing Date: 10 April 2006 :
Priority Date: 08 April 2005 : DECISION ON PETITION
Attorney Docket No.: 7091.P0004US :
For: VIBRATION TABLE :

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'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
Facsimile: 571-273-0459

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27 JAN 2009

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THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS, CA 91344

In re Application of SARKESHIK	:	
U.S. Application No.: 12/096,978	:	
PCT Application No.: PCT/US2006/046014	:	DECISION
Int. Filing Date: 01 December 2006	:	
Priority Date Claimed: 01 December 2005	:	
Attorney Docket No.: SS05001USU1	:	
For: DATA EXCHANGE SYSTEM AND METHOD	:	

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 11 June 2008.

BACKGROUND

On 01 December 2006, applicant filed international application PCT/US2006/046014, which claimed priority of an earlier United States application filed 01 December 2005. 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/US2006/046014 became abandoned as to the United States for failure to timely pay the basic national fee.

On 11 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 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 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

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OFFICE OF PETITIONS

In re Application of	:	
Shahriar Sarkeshik	:	
Application No. 12/096,978	:	DECISION ON PETITION
Filed: June 11, 2008	:	TO WITHDRAW
Attorney Docket No. SS05001USU1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2009.

The request is **APPROVED**.

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

The request was signed by Jennifer H. Hamilton 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 Shahriar Sarkeshik 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: **Shahriar Sarkeshik**
19443 Superior Street
Northridge, CA 91324

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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
12/096,978	06/11/2008	Shahriar Sarkeshik	SS05001USU1

CONFIRMATION NO. 6904

34408
THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS, CA 91344

POWER OF ATTORNEY NOTICE

OC000000039299831

Date Mailed: 12/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2009.

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

/tsjohnson/

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

22 SEP 2008

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THE ECLIPSE GROUP LLP
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GRANADA HILLS CA 91344

In re Application of	:	
Sarkeshik	:	
Application No.: 12/097,016	:	
PCT No.: PCT/US2006/045997	:	
Int. Filing Date: 01 December 2006	:	DECISION
Priority Date: 01 December 2005	:	
Attorney Docket No.: SS05001USU2	:	
For: Commercial Transaction Facilitation System	:	

The petition to revive under 37 CFR 1.137(b) filed on 11 June 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 11 June 2008 reveals that the page signed by the inventor appears to have been photocopied (as shown by the dispersed dark markings), whereas the other two pages have not. This suggests that the declaration was assembled by adding a copy of a single page signed by the inventor to the two remaining sheets to arrive at the overall document submitted (that is, it appears that petitioner has not presented a complete copy of the declaration as actually signed by the inventor). *See* MPEP 201.03.

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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In re Application of	:	
Shahriar Sarkeshik	:	
Application No. 12/097,016	:	DECISION ON PETITION
Filed: May 4, 2009	:	TO WITHDRAW
Attorney Docket No. SS05001USU2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2009

The request is **APPROVED**.

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

The request was signed by Jennifer H. Hamilton 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 Shahriar Sarkeshik 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: **Shahriar Sarkeshik**
19443 Superior Street
Northridge, CA 91324

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/097,016	05/04/2009	Shahriar Sarkeshik	SS05001USU2

CONFIRMATION NO. 7232

POWER OF ATTORNEY NOTICE

34408
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GRANADA HILLS, CA 91344

OC000000039299814

Date Mailed: 12/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2009.

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

/tsjohnson/

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

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MAR 17 2010

Oblon, Spivak, McClelland, Maier & Neustadt, LLP
1940 Duke Street
Alexandria, VA 22314

In re application of
Koichi Hirota et al.
Application No. 12/097,052
Filed: June 12, 2008
For: VEHICLE SEAT

: **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 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment filed June 12, 2008, the request to participate in the PPH program complies with the above requirements, 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 as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 3/16/10

UNITED STATES PATENT AND TRADEMARK OFFICE

07 OCT 2008

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

77224
Mary E. Golota
CANTOR COLBURN LLP
201 W. Big Beaver Road
Suite 1101
Troy, MI 48084

In re Application of
TECKLENBORG *et al*
U.S. Application No.: 12/097,085
PCT No.: PCT/EP2006/010182
Int. Filing Date: 23 October 2006
Priority Date: 24 October 2005
Docket No.: PAT-01279/BC1-0192US
For: STRUCTURALLY VISCOUS, CURABLE, AQUEOUS POWDER DISPERSIONS FREE ENTIRELY OR SUBSTANTIALLY FROM ORGANIC SOLVENTS, PROCESS FOR PREPARING THEM, AND USE THEREOF

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 12 June 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.

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

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

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of :
Jarl Charlez :
Application No. 12/097,101 : DECISION ON PETITION
Filed: June 12, 2008 :
Attorney Docket No. SOCIP0105WOUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and a previously filed amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed September 30, 2009, is accepted as having been unintentionally delayed. An advisory action was mailed on April 8, 2010.

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

This application is being referred to Technology Center AU 3767 for appropriate action by the Examiner in the normal course of business on the reply received April 13, 2010 and on April 8, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

24 SEP 2008

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

Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road
Suite 1101
Troy MI 48084

In re Application of :
KONISHI, et al. :
U.S. Application No.: 12/097,117 : DECISION ON PETITION
PCT No.: PCT/IB06/03197 :
Int. Filing Date: 01 November 2006 : UNDER 37 CFR 1.137(b)
Priority Date: 25 November 2005 :
Attorney Docket No.: PAT-01392/BC1-0193US :
For: PAINT COMPOSITIONS, A METHOD OF PAINT: FINISHING AND PAINTED OBJECTS :

The petition to revive under 37 CFR 1.137(b) filed 12 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 C.F.R. § 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
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Omid C. Farokhzad, et al. :
Application No. 12/097,118 : DECISION ON PETITION
Filed: June 12, 2008 : TO WITHDRAW
Attorney Docket No. 0492611-0851 (MIT11970) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart, LLP has been revoked by the assignee of the patent application on March 18, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 OCT 2008

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

Mary E. Golota
Cantor Colburn LLP
201 W. Big Beaver Road
Suite 1101
Troy, MI 48084

In re Application of	:	
BAUMGART, et al	:	
Application No.: 12/097,120	:	
PCT No.: PCT/EP2006/010718	:	
Int. Filing Date: 09 November 2006	:	PETITION
Priority Date: 10 November 2005	:	
For: AQUEOUS POWDER DISPERSIONS CURABLE BY FREE-RADICAL POLYMERIZATION, THEIR PREPARATION AND USE	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 12 June 2008.

BACKGROUND

The International application PCT/EP2006/010718 became abandoned with respect to the United States of America at midnight on 12 May 2008 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 12 June 2008, applicants filed the present petition under 37 C.F.R 1.137(b) to revive the application. The national stage fee and a translation of the international application accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2)

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), applicants have provided the required reply.

Regarding item (2), the $1540 petition fee has been charged to the deposit account 233425 as authorized by applicants.

Regarding item (3), 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" satisfies the requirement.

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

CONCLUSION

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

It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497 or the surcharge for filing such oath or declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including the mailing of an appropriate Notification of Missing Requirements (Form PCT/DO/EO/905).

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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Alexandria, VA 22313-1450
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29 AUG 2008

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

In re Application of LARIVIERE Application No.: 12/097,133 PCT No.: PCT/CA06/01901 Int. Filing: 20 November 2006 Priority Date: 20 November 2005 Attorney Docket No.:16424-7 For: TORSION SYSTEM FOR TORSION AXLE/SUSPENSION	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 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 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) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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

16 SEP 2008

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

Mark D. Saralino (MEI)
Renner, Otto, Boisselle & Sklar, LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

In re Application of	:	
SUZUKI et al.	:	
U.S. Application No. 12/097,142	:	
PCT No.: PCT/JP2006/324855	:	PETITION UNDER
Int. Filing Date: 13 December 2006	:	37 CFR 1.47(a)
Priority Date: 15 December 2005	:	
Attorney Docket No.: OKUDP0311US	:	
For: ULTRASONOGRAPH	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) - Inventor Cannot Be Reached" filed 10 September 2008 to accept the application without the signature of joint-inventor, Yoshinao Tan-naka.

BACKGROUND

On 13 December 2006, applicants filed international application PCT/JP2006/324855 which claimed a priority date of 15 December 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 June 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, 15 June 2008.

On 12 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 10 September 2008, 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, (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.

As to item (2), petitioner states that Yoshinao Tan-naka 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 statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Yoshinao Tan-naka. Petitioner states that non-signing inventor cannot be found or reached after diligent effort. However, no documentary evidence to support the failed attempts were provided with the present petition. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

CONCLUSION

For the above reasons, 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.

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

06 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

Mark D. Saralino (MEI)
Renner, Otto, Boisselle & Sklar, LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

In re Application of	:	
SUZUKI et al.	:	
U.S. Application No. 12/097,142	:	
PCT No.: PCT/JP2006/324855	:	PETITION UNDER
Int. Filing Date: 13 December 2006	:	37 CFR 1.47(a)
Priority Date: 15 December 2005	:	
Attorney Docket No.: OKUDP0311US	:	
For: ULTRASONOGRAPH	:	

In a decision mailed by this Office on 16 September 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor could not be found or reached after diligent effort.

On 12 November 2008, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Yoshimichi Kajitani, with supporting documents, describing efforts made to locate the nonsigning inventor, including numerous online searches. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (2) is therefore satisfied. The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Yoshinao Tan-naka.

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.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

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

06 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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Yoshinao Tan-naka
395-15 Kakuda
Aikawa-cho, Aikon-gun Kanagawa
Japan 228-00012

In re Application of
SUZUKI et al.
U.S. Application No. 12/097,142
PCT No.: PCT/JP2006/324855
Int. Filing Date: 13 December 2006
Priority Date: 15 December 2005
Attorney Docket No.: OKUDP0311US
For: ULTRASONOGRAPH

Dear Yoshinao Tan-naka:

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:
Mark D. Saralino (MEI)
Renner, Otto, Boisselle & Sklar, LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

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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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

In re Application of	:	
Hone et al.	:	
Application No.: 12/097,146	:	DECISION
PCT No.: PCT/US2006/062143	:	
Int. Filing Date: 15 December 2006	:	ON
Priority Date: 15 December 2005	:	
Attorney Docket No.: 08560023AA	:	PETITION
For: Novel Prime-Boost Combinations	:	
Of Attenuated Mycobacterium	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 21 February 2009 and 09 June 2009.

BACKGROUND

This international application was filed on 15 December 2006, claimed an earliest priority date of 15 December 2005, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 June 2008. Applicants filed *inter alia* the basic national fee on 12 June 2008.

On 03 October 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 refers to 37 CFR 1.47(b), but only alleges that one of the joint inventors is unavailable to execute the application; the other inventor has signed a declaration. As such, the appropriate regulation is 37 CFR 1.47(a), not 1.47(b). *See* MPEP 409.03(b). 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 (Fee Code 1463) is being charged to Deposit Account 50-2041, per the authorization included in the petition filed on 21 February 2009.

Regarding **requirement (2)**, the petition is accompanied by a "Declaration of Rita Khanna," who alludes to "repeated inquiries" made to obtain Dr. Hone's execution of the application, but does not provide specific dates and descriptions of these "inquiries." The "Declaration of Jerald C. Sadoff" refers to Ms. Khanna's statement, without providing a detailed accounting of the steps allegedly taken. However, petitioner has also introduced a copy of a

letter sent to Dr. Hone's last known address, specifically mentioning an enclosed declaration and copy of the application. Petitioner has also introduced evidence tending to show that said letter was delivered. Based on the totality of the evidence currently of record, it would be appropriate to conclude that Dr. Hone has refused to execute the application within the meaning of 37 CFR 1.47(a).

Regarding requirement (3), the petition includes an explicit statement of the non-signing inventor's last-known address.

Regarding requirement (4), inspection of the declaration of inventorship filed on 21 February 2009 reveals that it satisfies this requirement.

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 **21 February 2009** (the date the declaration was filed).

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

11 AUG 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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Dr. David Michael Hone
14708 Waterway Drive
Rockville, MD 20850

In re Application of
Hone et al.
Application No.: 12/097,146
PCT No.: PCT/US2006/062143
Int. Filing Date: 15 December 2006
Priority Date: 15 December 2005
Attorney Docket No.: 08560023AA
For: Novel Prime-Boost Combinations
Of Attenuated Mycobacterium

Dear Dr. Hone:

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

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

UNITED STATES PATENT AND TRADEMARK OFFICE

10 NOV 2009

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

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

In re Application of	:	
BJORN DROBE et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/097,233	:	FOR WITHDRAWAL AS
PCT No.: PCT/FR2006/02707	:	ATTORNEY OF RECORD
Int. Filing Date: 12 December 2006	:	
Priority Date: 13 December 2005	:	
Attorney Docket No.: 08641-050US1	:	
For: METHOD FOR DETERMINING A PROGRESSIVE OPHTHALMIC LENS	:	

This is in response to attorney's request to withdraw as attorneys of record, filed 18 June 2009, requesting permission to withdraw as agents of record in regard to the above referenced application. The Request is **GRANTED**.

As set forth in 37 CFR 1.36, a registered attorney or agent may withdraw, upon application to and approval by the Commissioner, so long as sufficient time remains for applicant to respond to any pending action. In the present case, the request to withdraw filed 18 June 2009, is signed by Marc M. Wefers, on behalf of the attorneys of record.

Currently no action is required on this application within the next 30 days, so the requirement of "at least 30 days between *approval* of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a)," is satisfied.

For the reasons above, the request to withdraw as agents of record is **GRANTED**.

A copy of this communication and all future communication will be directed to the assignee Essilor International (Compagnie Generale D'Optique), 147 rue de Paris, 94227 Charenton Cedex, France.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 JUN 2009

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Sughrue-265550
2100 Pennsylvania Ave. N.W.
Washington, D.C. 20037-3213

In re Application of: NAKATANI et al.
Application No.: 12/097,241
PCT No.: PCT/JP2006/324872
Int. Filing Date: 13 December 2006
Priority Date: 13 December 2005
Attorney Docket No.: Q108659
For: TELESCOPIC SHAFT FOR VEHICLE STEERING SHAFT AND GREASE COMPOSITION FOR LUBRICATING TELESCOPIC SHAFT

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is in response to applicant's declaration filed 20 February 2009, which is being treated as a request under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 13 December 2006, applicant filed international application PCT/JP2006/324872, which claimed a priority date of 13 December 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, 13 June 2008.

On 12 June 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, the basic national fee; an English translation of the international application; and an Application Data Sheet.

On 20 February 2009, applicant filed a declaration/power of attorney executed by the four joint-inventors and Yoshinori Takahashi on behalf of deceased inventor, Kazunori Takahashi.

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 20 February 2009 was executed by Yoshinori Takahashi as "legal representative" of deceased inventor, Kazunori Takahashi. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

In addition, it is noted that revised 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497). Here, the filed declaration does not comply with 37 CFR 1.497(b)(2) in that it does not provide separate citizenship information for the deceased inventor.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is 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
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24 NOV 2009

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Sughrue-265550
2100 Pennsylvania Ave. N.W.
Washington, D.C. 20037-3213

In re Application of: NAKATANI et al.
Application No.: 12/097,241
PCT No.: PCT/JP2006/324872
Int. Filing Date: 13 December 2006
Priority Date: 13 December 2005
Attorney Docket No.: Q108659
For: TELESCOPIC SHAFT FOR VEHICLE STEERING SHAFT AND GREASE COMPOSITION FOR LUBRICATING TELESCOPIC SHAFT

DECISION ON
PAPERS UNDER 37 CFR 1.42

In a decision mailed by this Office on 04 June 2009, the declaration filed by applicant on behalf of deceased inventor Kazunori Takahashi was dismissed for failure to include all the information required under 37 CFR 1.497.

On 04 August 2009, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 04 August 2009 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Yoshinori Takahashi as "Legal Representative," states his/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 Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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.
12/097,282	06/13/2008	Steven Dale Ittel	FA1522USPCT	9512

7590 07/06/2009

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER	
SANDERS, KRIELLION ANTIONETTE	
ART UNIT	**PAPER NUMBER**
1796	
NOTIFICATION DATE	**DELIVERY MODE**
07/06/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

0 5 JAN 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Pfizer, Inc.
Steve T. Zelson
150 East 42nd Street
5th Floor - Stop 49
New York, NY 10017-5612

In re Application of	:	
JAIN, et al.	:	DECISION ON
Application No.: 12/097,307	:	
PCT No.: PCT/IB06/03549	:	REQUEST UNDER
Int. Filing Date: 04 December 2006	:	
Priority Date: 15 December 2005	:	37 CFR 1.497(d)
Attorney Docket No.: PC19460A	:	
For: N-HYDROXYAMIDE DERIVATIVES POSSESSING ANTIBACTERIAL ACTIVITY	:	

This decision is in response to applicant's "Request For Correction of Inventorship Under 37 C.F.R. §1.497(d)" filed 17 December 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 December 2006, applicant filed international application PCT/IB06/03549, which claimed priority of an earlier application filed 15 December 2005. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 21 June 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 15 June 2008.

On 13 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) and a First Preliminary Amendment.

On 17 September 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 17 December 2008, applicant filed the present petition to add Charles Francavilla as an inventor in the above-identified application accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "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....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1) and (3).

As to item (2), the declaration presently filed does not comply with 37 CFR 1.497(a)-(b). The Manual of Patent Examining Procedure (MPEP) Section 201.03 explains:

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains three pages two of two. As such, it appears that the inventors were not provided with complete declarations for signature or only returned the signature pages. Either scenario renders the documents non-compliant.

Regarding item (4), it is not apparent that the individual who executed the paper providing the consent of the assignee is authorized to execute the legal papers on behalf of the assignee. Mr. Fuller's is identified as "Attorney-in-Fact." Thus, he does not appear to be an officer of the corporation nor has he self-certified that he can sign papers on the corporation's behalf.

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

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

09 APR 2009

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Pfizer, Inc.
Steve T. Zelson
150 East 42nd Street
5th Floor - Stop 49
New York, NY 10017-5612

In re Application of	:	
JAIN, et al.	:	DECISION ON
Application No.: 12/097,307	:	
PCT No.: PCT/IB06/03549	:	REQUEST UNDER
Int. Filing Date: 04 December 2006	:	
Priority Date: 15 December 2005	:	37 CFR 1.497(d)
Attorney Docket No.: PC19460A	:	
For: N-HYDROXYAMIDE DERIVATIVES	:	
POSSESSING ANTIBACTERIAL ACTIVITY	:	

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.497(d)" filed 05 March 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 January 2009, applicant was mailed a decision dismissing applicant's request under 37 CFR 1.497(d) add Charles Francavilla as an inventor in the above-identified application. Applicant was afforded two months to file any request for reconsideration.

On 05 March 2009, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 05 January 2009, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "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....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant previously satisfied items (1) and (3).

With the filing of the present renewed petition and supporting materials applicant has satisfied the remaining two elements and it is therefore appropriate to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 04 December 2006 and will be given a date of **05 March 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

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SEP 21 2009

OFFICE OF PETITIONS

Applicant: Beckmann, et al.
Appl. No.: 12/097,435
International Filing Date: December 14, 2006
Title: Apparatus For Mixing A Fluid With A Large Gas Stream, Especially For Introducing A Reducing Agent Into A Flue Gas Containing Nitrogen Oxides
Attorney Docket No.: AZ53 7 US
Pub. No.: US 2008/0308955 A1
Pub. Date: December 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 13, 2009, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the name of the assignee "FISIA BABCOCK ENVIRONMENT GMBH, FABRIKSTRASSE 1, D-51643 GUMMERSBACH, GERMANY" was not listed on the publication.

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 failure to include the assignee "FISIA BABCOCK ENVIRONMENT GMBH, FABRIKSTRASSE 1, D-51643 GUMMERSBACH, GERMANY" on the front page of the published patent application is not an Office error. Furthermore, an error in the assignment information would not be a material error because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an

[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 may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes error in assignment information or missing assignment information. See MPEP 1130.

Applicant failed to provide the assignee information on the application transmittal sheet or application data sheet included with the application on filing in accordance with 37 CFR 1.215(b) and MPEP 1121, thus the application was properly published.

On September 9, 2008, a Filing Receipt was mailed by the Office, which did not include the assignment information. 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.

Applicants' request for a corrected patent application publication on February 13, 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.

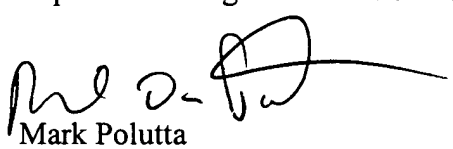
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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

17 JUN 2008

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GLOBAL PATENT GROUP - TPL
Ms. LaVern Hall
10411 Clayton Road, Suite 304
ST.LOUIS MO 63131

In re Application of GOUR et al.	:	
Application No.: 12/097,453	:	
PCT No.: PCT/IN06/00447	:	DECISION ON
Int. Filing: 09 November 2006	:	
Priority Date: 09 November 2005	:	PETITION TO REVIVE
Attorney Docket No.: TPL0004-501-US	:	
For: PHARMACEUTICAL COMPOSITION	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of $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.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of the Notification of Missing Requirements indicating that the declaration is unacceptable and does not comply with 37 CFR 1.497(a) and (b) because the declaration fails to identify the mailing address and residency of the inventors.

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

Telephone: (571) 272-3286
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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Kuno Zhuber Okrog	:	DECISION ON PETITION
Application No. 12/097,498	:	TO WITHDRAW
Filed: July 10, 2008	:	FROM RECORD
Attorney Docket No. 2005P22961 (NSN)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

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

A review of the file record indicates that on June 4, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

14 NOV 2008

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

In re Application of BENES et al	:	
U.S. Application No.: 12/097,508	:	
PCT Application No.: PCT/EP2006/011533	:	
Int. Filing Date: 30 November 2006	:	
Priority Date Claimed: 30 November 2005	:	DECISION
Attorney Docket No.: 027581-000100US	:	
For: RADIOIMMUNOCONJUGATE FOR HUMAN CD66 FOR THE TREATMENT OF MULTIPLE MYELOMA	:	

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 13 June 2008.

BACKGROUND

On 30 November 2006, applicant filed international application PCT/EP2006/011533, which claimed priority of an earlier United States application filed 30 November 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 May 2008.

On 31 May 2008, international application PCT/EP2006/011533 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 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.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

09 JUN 2009

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of
SEIGNOL et al.
U.S. Application No.: 12/097,552
PCT No.: PCT/EP06/11353
Int. Filing Date: 27 November 2006
Priority Date: 21 December 2005
Attorney Docket No.: 89427JDP
For: RECEIVING STATION FOR MOBILE HOST EQUIPMENT, AND METHOD OF SHARING RESOURCES USING THE STATION

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition For Filing on Behalf of Non-Signing Inventor Who Cannot Be Reached Under 37 CFR 1.47(a)" filed 09 January 2009 to accept the application without the signature of joint-inventor, Jason Oliver. The required petition fee of $200.00 has been submitted.

BACKGROUND

On 27 November 2006, applicants filed international application PCT/EP06/11353 which claimed a priority date of 21 December 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 21 June 2008.

On 16 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an unexecuted declaration.

On 18 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 09 January 2009, applicants filed a Petition under 37 CFR 1.47(a) and a two-month extension of time.

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.

As to item (2), petitioner states that Jason Oliver 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 statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Jason Oliver. The Statement of Sherryl A. Payne states that "on June 3, 2008 and October 14, 2008, she sent a Declaration to Jason Oliver, at his last known address. The letters were returned to sender." Additionally, Ms. Payne states that she attempted to contact Jason Oliver by telephone but "there were no answers to the telephone calls." It is noted that the multiple mailings to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Futher, the declaration fails to include evidence that alternative means were employed, such as a search of telephone and/or Internet directories, to locate Jason Oliver. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Jason Oliver under 37 CFR 1.47(a) 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) 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 of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 AUG 2009

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

Eastman Kodak Company
Patent Legal Staff
343 State Street
Rochester, NY 14650-2201

In re Application of :
SEIGNOL et al. :
U.S. Application No.: 12/097,552 :
PCT No.: PCT/EP2006/011353 :
Int. Filing Date: 27 November 2006 : DECISION ON PETITION
Priority Date: 21 December 2005 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: 89427JDP :
For: RECEIVING STATION FOR MOBILE HOST EQUIPMENT, AND METHOD OF SHARING RESOURCES USING THE STATION :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a) in Response to Decision on Petition" filed 31 July 2009. In a decision dated 09 June 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Jason Oliver, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 31 July 2009 with the present petition was executed by the named inventor, the previous non-signing inventor, Jason Oliver. The declaration filed 31 July 2009 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 27 November 2006 under 35 U.S.C. 363 and a date of 31 July 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

September 15, 2009

In re application of	:	DECISION ON REQUEST TO
Sanai Fujita et al	:	PARTICIPATE IN PATENT
Serial No. 12/097,636	:	PROSECUTION HIGHWAY
Filed: June 16, 2008	:	PROGRAM AND
For: FLOCCULATING AGENT	:	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 July 10, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 2 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Dominik Feuerbach, et al.	:	
Application No. 12/097,681	:	DECISION ON PETITION
Filed: June 16, 2008	:	TO WITHDRAW
Attorney Docket No. 093286-0159	:	FROM RECORD
	:	

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

The request is **DISMISSED** as moot.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

In re Application of :
Mathias Frederiksen, et al. :
Application No. 12/097,689 : DECISION ON PETITION
Filed: June 16, 2008 : TO WITHDRAW
Attorney Docket No. 093286-0160 : FROM RECORD
:

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

The request is **DISMISSED** as moot.

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

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

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

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

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

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Alexandria, VA 22313-1450
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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

In re Application of
Allgeier et al.
Application No. 12/097,696
PCT No.: PCT/EP2006/069845
Int. Filing Date: 18 December 2006
Priority Date: 23 December 2005
Atty. Docket No.: 4479
For: Motor Vehicle With Gas Tank

DECISION

This is in response to the declaration filed on 08 September 2008.

BACKGROUND

This international application was filed on 18 December 2006, claimed an earlier priority date of 23 December 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 05 July 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 23 June 2008. Applicants filed, *inter alia*, the basic national fee on 16 June 2008.

On 02 September 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration filed on 08 September 2008 reveals that it nominates "Kai OETTEL" in place of "OERTEL, Kai" named in the published international application. MPEP 605.04(b) states in part that

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

In that the above-noted discrepancy clearly represents more than a mere typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. It is also noted that the declaration is defective for the reason that it has been annotated in German with un-initialed comments (directed toward Kai Oettel's name) which appear intended to modify the meaning of the document.

DECISION

The declaration is **NOT ACCEPTED**, 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 are available under 37 CFR 1.136(a). Failure to timely reply 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

12 JUN 2009

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Alexandria, VA 22313-1450
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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

In re Application of :
Allgeier et al. :
Application No. 12/097,696 :
PCT No.: PCT/EP2006/069845 :
Int. Filing Date: 18 December 2006 : DECISION
Priority Date: 23 December 2005 :
Atty. Docket No.: 4479 :
For: Motor Vehicle With Gas Tank :

This is in response to the correspondence filed on 04 February 2009.

DISCUSSION

In a Decision mailed on 30 December 2008, it was indicated that, with respect to the declaration filed on 08 September 2008,

> Inspection of the declaration filed on 08 September 2008 reveals that it nominates "Kai OETTEL" in place of "OERTEL, Kai" named in the published international application. MPEP 605.04(b) states in part that...
>
> In that the above-noted discrepancy clearly represents more than a mere typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. It is also noted that the declaration is defective for the reason that it has been annotated in German with un-initialed comments (directed toward Kai Oettel's name) which appear intended to modify the meaning of the document.

As a preliminary matter, it is noted that the language used in said previous decision preferably should have indicated that "To the extent that such a discrepancy clearly represents more than a mere typographical error,..." Any lack of clarity was unintentional

In response, counsel indicates that, in fact, the discrepancy between the declaration and the published international application originated from a mere typographical error in the declaration. Under the policy described at MPEP 605.04(b), it would be appropriate to excuse the typographical error in the inventor's name without requiring a new declaration. However, because of the un-initialed German language annotation described in the Decision mailed on 30 December 2008, it still would not be appropriate to accept the declaration as filed on 08 September 2008 with respect to Kai Oertel.

Counsel has provided a supplemental declaration listing Kai Oertel's correct name, as part of the same inventive entity named in the published international application. Taken together with counsel's statement regarding the typographical error and along with the declaration filed on 08 September 2008, this declaration is deemed to satisfy the requirements of 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED**, as discussed above.

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 **04 February 2009**.

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

06 AUG 2008

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HENRICKS SLAVIN AND HOLMES LLP
840 APOLLO STREET, SUITE 200
EL SEGUNDO CA 90245

In re Application of	:	
Lye	:	
Application No.: 12/097,756	:	
PCT No.: PCT/AU2006/001716	:	
Int. Filing Date: 16 November 2006	:	DECISION
Priority Date: 18 November 2005	:	
Attorney Docket No.: 00402-015	:	
For: Surgical Alignment Guide		

The petition to revive under 37 CFR 1.137(b) filed on 17 June 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.

The $130.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 50-0655, per the authorization included in the 17 June 2008 Transmittal Letter.

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 **17 June 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

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.
12/097,796		Toshihide TSUBATA	70404.296/ha	3414

54072 7590 01/15/2009
SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
01/15/2009	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):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com

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Alexandria, VA 22313-1450
www.uspto.gov

SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of
Toshihide TSUBATA, et al.
Application No.: 12/097,796
Filed: 17 June 2008
Attorney Docket No.: 70404.296/ha
For: ACTIVE MATRIX SUBSTRATE, DISPLAY DEVICE, TELEVISION RECEIVER, AND METHOD FOR REPAIRING DEFECTS OF ACTIVE MATRIX SUBSTRATE

: 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 30 September 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, 3, 4, 6 and 7 above are considered to have been met. However the request to participate in the PPH program fails to meet conditions 2 and 5.

Regarding condition 2 and 5, Petitioner has not submitted copies of the allowable claims and a copy of the office action just prior to the "Decision to Grant a Patent". It is noted that Petitioner has requested the USPTO to obtain these via the Dossier Access System (DAS). However, that system has been unavailable for the past 2 days. The MOU states if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy. Petitioner is hereby required to submit copies of the allowable claims and the office action from the JPO.

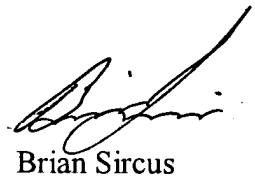
Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await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

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.
12/097,796	06/17/2008	Toshihide Tsubata	70404.296/ha	3414

54072 7590 04/15/2009

SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER	
VU, PHU	

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
04/15/2009	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):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com

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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of
Toshihide TSUBATA, et al.
Application No.: 12/097,796
Filed: 17 June 2008
Attorney Docket No.: 70404.296/ha
For: ACTIVE MATRIX SUBSTRATE, DISPLAY DEVICE, TELEVISION RECEIVER, AND METHOD FOR REPAIRING DEFECTS OF ACTIVE MATRIX SUBSTRATE

: 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 30 September 2008 and supplemented 2 February 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Toshihide Tsubata	: DECISION ON REQUEST FOR
Patent Number	: 7583354	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/097,796	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/17/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

28 JAN 2009

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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

In re Application of BINNS et al	:	
U.S. Application No.: 12/097,818	:	
PCT Application No.: PCT/GB2006/004770	:	
Int. Filing Date: 19 December 2006	:	DECISION
Priority Date Claimed: 20 December 2005	:	
Attorney Docket No.: 102792-661 (11695P1)	:	
For: IMPROVEMENTS IN OR RELATING TO ORGANIC COMPOSITIONS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 15 December 2008.

BACKGROUND

On 19 December 2006, applicant filed international application PCT/GB2006/004770, which claimed priority of an earlier United Kingdom application filed 20 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 28 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 June 2008.

On 17 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 14 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 15 December 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

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

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

The petition states that joint inventor Hans Ribi refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) to Dr. Ribi for signature. Furthermore, the petition does not sufficiently illustrate that Dr. Ribi refuses to sign. In particular, the petition does not include an affidavit from the person, i.e. Robert Hyde, who apparently has firsthand knowledge of attempts to secure Dr. Ribi's signature. Thus, it would not be reasonable to conclude at the present time that Dr. Ribi refuses to join in the application.

With regard to item (3) above, the requisite $200.00 petition fee will be charged to Deposit Account No. 14-1263 as authorized in the petition.

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

CONCLUSION

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

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JUL 2009

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NORRIS, MCLAUGHLIN & MARCUS
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NEW YORK, NY 10022

In re Application of BINNS et al	:	
U.S. Application No.: 12/097,818	:	
PCT Application No.: PCT/GB2006/004770	:	
Int. Filing Date: 19 December 2006	:	DECISION
Priority Date Claimed: 20 December 2005	:	
Attorney Docket No.: 102792-661 (11695P1)	:	
For: IMPROVEMENTS IN OR RELATING TO ORGANIC COMPOSITIONS	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 15 May 2009.

BACKGROUND

On 19 December 2006, applicant filed international application PCT/GB2006/004770, which claimed priority of an earlier United Kingdom application filed 20 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 28 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 June 2008.

On 17 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 14 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 15 December 2008, applicant filed a petition under 37 CFR 1.47(a).

On 28 January 2009, this Office mailed a decision dismissing the 15 December 2008 petition.

On 15 May 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Petitioner has previously satisfied items (1) and (3) 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 petition states that joint inventor Hans Ribi refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Dr. Ribi for signature (see electronic mail message dated 15 December 2006, showing that Dr. Ribi was in possession of the application, and the letter dated 25 June 2008, showing transmittal of the declaration to Dr. Ribi). Furthermore, the petition sufficiently illustrates that Dr. Ribi refuses to sign. In particular, Dr. Ribi's failure to respond to the electronic mail messages sent to him on 03 November 2008 and 23 September 2008 are deemed a constructive refusal to cooperate. See affidavit of Robert Hyde. Thus, it can be concluded with reasonable certainty that Dr. Ribi refuses to join in the application.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 19 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 December 2008.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JUL 2009

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Hans O. Ribi
2455 Skyfarm Drive
Hillsborough, CA 94010

In re Application of BINNS et al
U.S. Application No.: 12/097,818
PCT Application No.: PCT/GB2006/004770
Int. Filing Date: 19 December 2006
Priority Date Claimed: 20 December 2005
For: IMPROVEMENTS IN OR RELATING TO ORGANIC COMPOSITIONS

Dear Hans O. Ribi:

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

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

Bryan Lin

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

NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022
Attorney Docket No.: 102792-661 (11695P1)

UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2009

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Birch, Stewart, Kolasch & Birch, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of	:	
TAKAMI, et al.	:	
Application No.: 12/097,867	:	DECISIONS ON PETITION
PCT No.: PCT/JP2006/325327	:	
Int. Filing Date: 20 December 2006	:	UNDER 37 CFR 1.42
Priority Date: 20 December 2005	:	
Attorney Docket No.: 3939-0183PUS1	:	
For: ORALLY RAPID DISINTEGRATING	:	
TABLET PREPARATION COMPRISING	:	
FAT-SOLUBLE ACTIVE INGREDIENTS	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 01 August 2008 in the United States Patent and Trademark Office (USPTO) is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 20 December 2006, applicants filed the international application, which claimed a priority date of 20 December 2005 . A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 June 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, 20 June 2008.

On 17 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; an English translation of the international application; an Information Disclosure Statement; an Application Data Sheet and a preliminary amendment.

On 01 August 2008, applicant filed the combined declaration and power of attorney discussed herein.

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."

An examination of the filed declaration and power of attorney finds that the document lists the post office, residence and citizenship for both the deceased inventor Yasushi Okada and the legal representative to his estate, Noriko Okada. The declaration lists and has been executed by the remaining inventors. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b).

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 20 December 2006 and a date of **01 August 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

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2008

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Thi D. Dang
Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Mail Stop 35
Fort Collins, CO 80527-2400

In re Application of:	:	
Gregory S. Herman et al.	:	DECISION
Application No.: 12/097,869	:	
PCT Application No.: PCT/US06/29990	:	ON PETITION
Int. Filing Date: 31 July 2006	:	
Priority Date: 12 October 2005	:	UNDER
Atty Docket No.: 200503640-2	:	
For: SEMICONDUCTOR FILM COMPOSION	:	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 17 June 2008 is **GRANTED**.

BACKGROUND

On 31 July 2006, applicants filed international application PCT/US06/29990. The international application claims a priority date of 12 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 12 April 2008. Applicants missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 12 April 2008.

On 17 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), a power of attorney and/or change of address letter, the surcharge fee for providing an oath or declaration after 30 months from earliest claimed priority date, 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 applicants 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.

The declaration submitted on 17 June 2008 is not acceptable for the following reasons:

1. the declaration is a composite of multiple declarations;
2. the declaration identifies the wrong application; and
3. certain inventors' names have been crossed off thus implying that the inventors signing on those sheets do not consider the crossed out individuals to be inventors.

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 31 July 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), indicating that an acceptable 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

06 OCT 2008

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32425
FULBRIGHT & JAWORSKI LLP
600 Congress Ave,
Suite 2400
Austin, TX 78701

In re Application of :
GREENWOOD *et al* :
U.S. Application No.: 12/097,875 :
PCT No.: PCT/EP2006/065467 : **DECISION ON**
Int. Filing Date: 18 August 2006 : **PETITION UNDER**
Priority Date: 22 August 2005 : **37 CFR 1.137(b)**
Docket No.: MTDP:018US :
For: DRIVING AND STEERING OF MOTOR VEHICLES :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 June 2008 is hereby **GRANTED** as follows:

The Basic National Fee 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.

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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JUN 2 9 2010

OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA PA 19103-2921

In re Application of	:	
John T. Henri et al	:	
Application No. 12/097,900	:	DECISION ON PETITION
Filed: June 18, 2008	:	
Attorney Docket No. 100244-5001US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office Action mailed August 21, 2009, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on April 13, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account, as authorization was provided.

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

This application is being referred to Technology Center AU 1626 for appropriate action by the Examiner in the normal course of business on the reply received April 13, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

25 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
SIX CONCOURSE PARKWAY
SUITE 3100
ATLANTA GA 30328

In re Application of O'SHEA
Application No.: 12/097,903
PCT No.: PCT/IE06/00054
Int. Filing: 09 May 2006
Priority Date: 10 May 2005
Attorney Docket No.: 2909244-1
For: AN APPARATUS FOR PRODUCING AND HANDLING A FLOWING SUBSTANCE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 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 this 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 $310 has now 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.

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.

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

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

01 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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49840
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Six Concourse Parkway
Suite 3100
Atlanta, GA 30328

In re Application of	:	
O'SHEA, Mark	:	
U.S. Application No.: 12/097,915	:	
PCT No.: PCT/IE2006/000055	:	**DECISION ON**
Int. Filing Date: 09 May 2006	:	**PETITION UNDER**
Priority Date: 10 May 2005	:	**37 CFR 1.137(b)**
Docket No.: 2909244-4	:	
For: MATERIAL RECOVERY SYSTEM	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 18 June 2008 with the national stage papers 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 the mailing of 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) request an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

JUN 10 2009

OFFICE OF PETITIONS

Applicants: Shklover, et al.
Appl. No.: 12/097,937
International Filing Date: December 20, 2006
Title: Optical System And Method For Shaping A Profile Of A Laser Beam
Attorney Docket: 23523-0008US1/ 6409P306US
Pub. No.: US 2009/0002833 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 5, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication improperly list "Carl Zeiss SMT AG" as the assignee when the correct assignee name is "Carl Zeiss Laser Optics" and the Office created the error.

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 regarding the incorrect assignment information on the front page of the publication is not an Office error. The application was correctly published with the assignment information, which was provided on the transmittal letter and/or application data sheet received on entering the National Stage.[2]

---

[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] See 37 CFR 1.215(b) and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

Furthermore, the failure to include the correct assignee on the front page of the published patent application would not be a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130.

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 5, 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.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

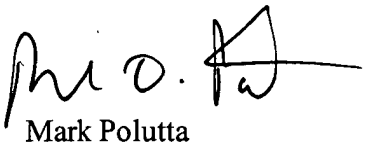
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/098,010	04/04/2008	William H. Eby	1421-337	1390

32905 7590 06/03/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
WORLEY, CATHY KINGDON	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
06/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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JUN 0 3 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 12/098,010
Filed: April 4, 2008
Attorney Docket No.: **1421-337**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed May 21, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 21, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Emil Stefanov	: DECISION ON REQUEST FOR
Patent Number	: 7581862	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/098,023	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

JUN 30 2008

In re Application of :
Smith et al. :
Application No. 12/098,037 : DECISION ON PETITION
Filed: 04/04/2008 :
Attorney Docket No. 09641.0010-02000 :

This is a decision on the petition filed June 20, 2008, requesting that the above-identified application be accorded a filing date of April 4, 2008.

The above-identified application was deposited on April 4, 2008. On April 29, 2008, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice), stating that the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

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).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice of Incomplete Nonprovisional Application of April 29, 2008, was mailed in error and is hereby withdrawn.

The petition is **granted**. The application is accorded a filing date of April 4, 2008, without any drawings as a part of the original disclosure. The petition fee of $400.00 is unnecessary and will be refunded to the Deposit Account.

This matter is being referred to the Office of Patent Application Processing for further processing with a filing date of April 4, 2008, and an indication in the Office records that zero "0" sheets of drawings were present on filing.

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.
12/098,038	04/04/2008	Malede Wondmagegne Berhanu	BUR920080031US1/IBMSP014	1442

67257 7590 11/18/2008

ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
11/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SAN JOSE, CA 95172-1120

11/17/08

In re Application of: BERHANU, et al. Serial No.: 12/098,038 Filed: April 4, 2008 Docket: BUR920080031US1/IBMSP014 Title: SYSTEM FOR EXPANDING A WINDOW OF VALID DATA	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 4, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I. 1-4 & II. 1-5.1, 6.2-6.4 & 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2, 5.3, 6.1 & 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 - 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims.

Specifically and with respect to items 5.2 - 5.3 above, based upon the claimed subject matter of the instant application, a search in the following class and subclass(es) is necessary in order to provide full coverage of where the most pertinent references are most likely to be found: cl. 716 subclass 6, cl. 703 subclass 1, cl. 375 subclass 354 as well as cl. 713 subclass 600.

With respect to the search logic identified, and in particular with respect to the instant claim, the text search appears to be incomplete. It is recommended that the following keyword search terms be included in an updated search:

(increas$3 extend$3 expand$3 stretch$3) near8 (capture adj2 window) with (delay adj1 (line$1 element$1))

(increas$3 extend$3 expand$3 stretch$3) near6 ((middle center) near3 window) with (delay adj1 (line$1 element$1))

In addition, the following databases should be utilized:

EAST
IEEE

The additional search areas and search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(1) and item 6.1 above, form PTO-1449 attached with the instant petition cites a total of six references however, the instant petition only specifically discusses two of those six cited references (Wade et al. and Johnson et al.). Petitioner is required to discuss all cited references deemed to be most closely related to the subject matter. However, applicant is PERMITTED to respond by splitting (re-citing on separate forms) the IDS and designating one as being (those references deemed to be) in support of the petition and any others (as those references deemed to be) NOT in support. Correction is required.

[1] MPEP 8th ed. rev 5 August 2006

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, Petitioner fails to identify where each limitation of the instant claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Support for each limitation of each pending claim must be properly identified (by page, line or paragraph and/or figure). MPEP 2162 is reproduced below:

> **2162 Policy Underlying 35 U.S.C. 112, First Paragraph**
> To obtain a valid patent, a patent application must be filed that contains a full and clear disclosure of the invention in the manner prescribed by 35 U.S.C. 112, first paragraph.
> The requirement for an adequate disclosure ensures that the public receives something in return for the exclusionary rights that are granted to the inventor by a patent. The grant of a patent helps to foster and enhance the development and disclosure of new ideas and the advancement of scientific knowledge. Upon the grant of a patent in the U.S., information contained in the patent becomes a part of the information available to the public for further research and development, subject only to the patentee's right to exclude others during the life of the patent.
> In exchange for the patent rights granted, 35 U.S.C. 112, first paragraph, sets forth the minimum requirements for the quality and quantity of information that must be contained in the patent to justify the grant. As discussed in more detail below, the patentee must disclose in the patent sufficient information to put the public in possession of the invention and to enable those skilled in the art to make and use the invention. The applicant must not conceal from the public the best way of practicing the invention that was known to the patentee at the time of filing the patent application. Failure to fully comply with the disclosure requirements could result in the denial of a patent, or in a holding of invalidity of an issued patent.

The requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above clearly states that the petitioner is required to **specifically identify corresponding elements in the figures** and **specifically identify where the corresponding written description in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of claim 1**. Specifically, reference is made to Petitioner's ***general*** allegation that "Support in the disclosure under 35 USC 112, first paragraph is found at least in paragraph "0011" of the specification. A specific showing of support for ***each limitation of pending claim 1*** must be properly identified, with specific reference to each claim.

It is pointed out that the written description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, a general statement that all limitations of claim(s) can be found in figures and pointing to the specification having a verbatim of the claim language cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above.

Thus, the petition does not meet the conditions II. 5.2-5.3, 6.1 & 6.5 above.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given ***a single opportunity*** to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is permitted) from the date of this decision in order to be considered timely. Any request for reconsideration ***must fully address all of the deficiencies indicated above***. [emphasis added]

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,038	04/04/2008	Malede Wondmagegne Berhanu	BUR920080031US1/IBMSP014	1442

67257 7590 12/11/2008

ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
12/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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12/11/2008

ZILKA-KOTAB, PC-IBMS
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SAN JOSE, CA 95172-1120

In re Application of: BERHANU, et al.
Serial No.: 12/098,038
Filed: April 04, 2008
Docket: BUR920080031US1/IBMSP014

Title: SYSTEM FOR EXPANDING A WINDOW OF VALID DATA

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on December 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on April 04, 2008 was dismissed in the decision mailed on November 18, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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Patent Law Professionals
P.O. Box 612407
San Jose, CA 95161

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Earl W. McCune, Jr.	:	
Application No. 12/098,065	:	DECISION ON PETITION
Filed: April 4, 2008	:	TO WITHDRAW
Attorney Docket No. 56398-2100	:	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 20, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Patent Law Professionals has been revoked by the assignee of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **SNELL & WILMER L.L.P (Panasonic)**
600 Anton Boulevard
Suite 1400
Costa Mesa, CA 92626

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,106	04/04/2008	Richard M. Bicheno	GB920080070US1 (3023)	1564

78290 7590 12/22/2008

Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER	
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ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
12/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis MN 55402-1609

In re Application of:
Richard M. Bicheno et al.
Serial No.: 12/098,106
Filed: April 4, 2008
Docket: GB920080070US1 (3023)
Title: ASSOCIATING SCREEN POSITION WITH AUDIO LOCATION TO DETECT CHANGES TO THE PERFORMANCE OF AN APPLICATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 4, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d), and the supplemental documents filed December 15, 2008.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

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To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned by telephone are unsuccessful, Mano Padmanabhan, Quality Assurance Specialist, can be reached at (571) 272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of
Pamela R. Moore
Application No. 12/098,119
Filed: April 4, 2008
Attorney Docket No. **200478.00049**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 20, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jason R. Strobel or any attorneys/agents associated with Customer Number 21324 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

According to our records the Customer Number has been listed as the Representative Information in the application data sheet. However, providing the information in the application data sheet does not constitute as a power of attorney in the application. ***See 37 CFR § 1.76(b)(4)***.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

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OFFICE OF PETITIONS

In re Application of :
Andrew Gerber et al :
Application No. 12/098,151 : ON PETITION
Filed: April 4, 2008 :
Attorney Docket No. 38496.62 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed April 25, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 26, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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LEWIS, RICE & FINGERSH, LC
ATTN: BOX IP DEPT.
600 Washington Ave.
Suite 2500
ST LOUIS, MO 63101

Mail Date: 04/20/2010

Applicant	: David D. Russell	: DECISION ON REQUEST FOR
Patent Number	: 7581432	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/098,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.
12/098,306	04/04/2008	Diane Flemming	AUS920071031US1	2024

76793 7590 06/19/2008

Cahn & Samuels, LLP
1100 17th St., NW, Ste. 401
Washington, DC 20036

EXAMINER	
BEAUSOLIEL JR, ROBERT W	
ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
06/19/2008	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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06/18/08

CAHN & SAMUELS, LLP
1100 17TH ST., NW
SUITE 401
WASHINGTON, DC 20036

In re Application of: FLEMMING, et al.
Serial No.: 12/098,306
Filed: April 4, 2008
Docket: AUS920071031US1
Title: SYSTEM AND METHOD FOR THE RECOVERY OF LOST CACHE CAPACITY DUE TO DEFECTIVE CORES IN A MULTI-CORE CHIP

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 04, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I. 1-4, II. 1-4, 5, 5.1, 6.1, 6.4 & 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2 , 5.3, 6.2, 6.3 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 & 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claim. Note, the provision of the identified search logic provided to locate the references cited in the instant petition does not meet this requirement, in particular, based upon the claimed subject matter of the instant application, a search in the following class and subclass (***classification search***) is necessary in order to provide full coverage of where the most pertinent references are most likely to be found: class 714/ (ERROR DETECTION/CORRECTION AND FAULT DETECTION/RECOVERY) subclass 5 (primary area of classification), as well as subclasses 7, 8 and 10 should be searched.

With respect to the search logic identified, corresponding to the instant claim language, the search terms utilized fail to capture the broad concept of recovering cache capacity and thus fail to cover the essence of the claimed invention. The following additional (supplemental) search terms and identified databases should be included to complete the search:

(recover$3 reconfigur$3) with cache.

This additional recommended search area was confirmed with (and recommended by) a (primary) examiner in the pertinent art area, based upon the pending claim of the instant application.

With regard to the requirement of MPEP § 708.02(a)(I)(2) and item 6.2 above, Petitioner should provide a detailed discussion of each current and/or any newly cited reference(s), identifying subject matter by way of figure, page, paragraph and line numbers, as appropriate, as they pertain to the instant claim limitations (claim 1) of the instant application. Note, on pages 2-3 of the AESD, Petitioner tersely states what each identified reference "teaches" without identifying which "teachings" are limitations in the instant claim nor where the limitation(s) is(are) disclosed in the cited references. This representation of teachings by Petitioner makes comparison analysis difficult at best. Finally, the cited reference to Stiles on page 2 of the AESD is misspelled as "Styles". Correction is required.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." As discussed above, as Petitioner has failed to properly identify all of the limitations in the claim that are disclosed by the references (see MPEP § 708.02(a)(I)(2) and item 6.2 above), therefore for this reason, the petition does not meet the

[1] MPEP 8th ed. rev 5 August 2006

requirement of MPEP §708.02(a)(I.)(I)(3). In addition, Petitioner should ensure that the above discussion is directed to how the language of (each of) the claim(s is) **specifically** distinguishable and patentable from each of the references provided in requirement (6.1) above, ***rather than to repeat essentially the entirety of the claim(s)***. The Office cannot infer or guess what petitioner believes the differences between the claim(s) and the teachings of the prior art to be. Furthermore, it would be difficult to conclude that the pre-examination search was directed to the claimed invention if essentially none of the claimed limitations were found in the prior art deemed "most closely related" by Petitioner. Clarification is required.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, Petitioner fails to identify where each limitation of the instant claims finds support under 35 USC 112, first paragraph, in the written description of the specification. A specific showing of support for ***each limitation of pending claim 1*** must be properly identified.

Specifically, reference is made to Petitioner's ***general*** allegation that "Support in the disclosure under 35 USC 112, first paragraph is found at least in Fig. 2, and in paragraphs [0011] – [0025] of the application". By way of representative example only, the step of "dividing said cache memory local ..." (claim 1 line 8) finds no clear support, as stated. Clarification and proper identification of support is required.

Thus, the petition does not meet the conditions II. 5.2, 5.3, 6.2, 6.3 and 6.5 above.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,306	04/04/2008	Diane Flemming	AUS920071031US1	2024

76793 7590 10/01/2008

Cahn & Samuels, LLP
1100 17th St., NW, Ste. 401
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EXAMINER	
BEAUSOLIEL JR, ROBERT W	
ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
10/01/2008	PAPER

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,306	04/04/2008	Diane Flemming	AUS920071031US1	2024

76793 7590 10/01/2008

Cahn & Samuels, LLP
1100 17th St., NW, Ste. 401
Washington, DC 20036

EXAMINER	
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09/30/2008

CAHN & SAMUELS, LLP
1100 17TH STREET, NW
SUITE 401
WASHINGTON, DC 20036

In re Application of: FLEMMING, et al.
Serial No.: 12/098,306
Filed: April 4, 2008
Docket: AUS920071031US1

Title: SYSTEM AND METHOD FOR THE RECOVERY OF LOST CACHE CAPACITY DUE TO DEFECTIVE CORES IN A MULTI-CORE CHIP

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on July 18, 2008 to make the above- identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on April 4, 2008 was dismissed in the decision mailed on June 19, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

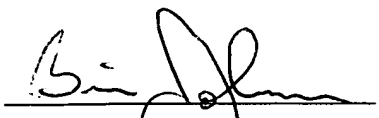
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.



Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE CA 95161

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :

LEE, Wayne et al. :
Application No. 12/098,314 : DECISION ON PETITION
Filed: April 04, 2008 : TO WITHDRAW
Attorney Docket No. **80-035US** : 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 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by William Winters, the sole attorney of record. William Winters has been withdrawn as attorneys or agents of record. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **WAYNE S. LEE**
469 EL CAMINO REAL, #202
SANTA CLARA CA 95050

cc: **MATSUSHITA ELECTRIC INDUSTRIAL CO.**
1006 OAZA KADOMA
KADOMA-SHI OSAKA 571-8501
JP

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/098,327	Confirmation Number	2088	Filing Date	2008-04-04
Attorney Docket Number (optional)	ZLM.np6	Art Unit		Examiner	
First Named Inventor	William M. Zilm				
Title of Invention	HITCH SYSTEM FOR USE WITH A BALL HITCH AND METHODS THEREFOR				

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
William	M.	Zilm	

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	/John Wray Carpenter/	Date (YYYY-MM-DD)	2008-04-07
Name	John W. Carpenter	Registration Number	57830

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
William M. Zilm

Application No. 12098327

Filed:

Attorney Docket No. ZLM.np6

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 07-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Rohit KHARE, et al	:	
Application No. 12/098,371	:	DECISION ON PETITION
Filed: April 4, 2008	:	TO WITHDRAW
Attorney Docket No. 04962.P001C	:	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 12, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jan Little-Washington on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROHIT KHARE
C/O ALEXANDER BLAKELY
921 FIRST AVENUE WEST, APT. 301
SEATTLE, WA 98119

cc: GARY HAGMUELLER
25 TEVIS PL
HILLSBOROUGH, CA 94010

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Michael D. Himley
Eagle Intelligence LLC
Suite G-152
27881 La Paz Road
Laguna Niguel, CA 92677

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APR 2 9 2009

OFFICE OF PETITIONS

In re Application of Himley and Patel :
Application No. 12/098,408 : Decision on Petition
Filing Date: April 4, 2008 :
For: System and Method of Managing a :
Workflow Within ... :

This is a decision on the petition filed January 23, 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 must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

Facts

The Office mailed a Notice to File Corrected Application Papers on April 29, 2008. The Notice required the submission of replacement drawings. The Notice set an extendable time period for reply of two months. The Office also mailed a three-page Application Filing Receipt on April 29, 2008.

The Office did not receive a reply to the April 29, 2008 Notice. As a result, the application became abandoned on Tuesday, July 1, 2008.

A Notice of Abandonment was mailed January 5, 2009.

The instant petition was filed January 23, 2009.

The petition is only signed by inventor Mike Himley.

Petitioner asserts petitioner never received the Notice to File Corrected Application Papers.

Petitioner has not supplied any evidence of non-receipt of the April 29, 2008 Notice other than an assertion the Notice was not received.

Discussion

The Office will not consider the merits of an improperly signed petition. In this case, the petition is not properly signed. Specifically, the petition is not signed by all of the inventors, a registered patent attorney, a registered patent agency, or an assignee of record. Instead, the petition is only signed by inventor Mike Himley. Therefore, the petition cannot be granted.

A renewed petition signed by both inventors should be filed.

A wide variety of types of evidence may be submitted in support of a petition alleging non-receipt of a Notice or Office action. If petitioner wishes to discuss the types of evidence that can be supplied in support of such a petition, petitioner should feel free to contact the undersigned at the phone number listed below.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael D. Himley
Eagle Intelligence LLC
Suite G-152
27881 La Paz Road
Laguna Niguel, CA 92677

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of Himley and Patel :
Application No. 12/098,408 : Decision on Petition
Filing Date: April 4, 2008 :
For: System and Method of Managing a :
Workflow Within ... :

This is a decision on the petition filed May 12, 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 must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

The Office mailed a Notice to File Corrected Application Papers on April 29, 2008. The Notice required the submission of replacement drawings. The Notice set an extendable time period for reply of two months. The Office also mailed a three-page Application Filing Receipt on April 29, 2008. The Office did not receive a reply to the April 29, 2008 Notice. As a result, the application became abandoned on Tuesday, July 1, 2008. A Notice of Abandonment was mailed January 5, 2009.

Petitioner has alleged non-receipt of the April 29, 2008 Notice.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed and delivered to the address of record. A showing sufficient to overcome this presumption must explicitly state a search or the file jacket or the equivalent has been made. Petitioner does not indicate whether or not papers and correspondence involving the instant application are kept in one location, such as a file. Petitioner also has failed to state a search of such a location has been performed. Therefore, the petition cannot be granted at this time.

Any request for reconsideration should discuss whether or not all papers involving the instant application are kept in one location and should state a search of the location has been performed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Michael D. Himley
Eagle Intelligence LLC
Suite G-152
27881 La Paz Road
Laguna Niguel, CA 92677

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JUL 13 2009

OFFICE OF PETITIONS

In re Application of Himley and Patel :
Application No. 12/098,408 :
Filing Date: April 4, 2008 :
For: System and Method of Managing a :
Workflow Within ... :

Decision on Petition

This is a decision on the petition filed June 22, 2009, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Corrected Application Papers on April 29, 2008. The Notice required the submission of replacement drawings. The Notice set an extendable time period for reply of two months. The Office also mailed a three-page Application Filing Receipt on April 29, 2008. The Office did not receive a reply to the April 29, 2008 Notice. As a result, the application became abandoned on Tuesday, July 1, 2008. A Notice of Abandonment was mailed January 5, 2009.

Petitioner has established non-receipt of the Notice to File Corrected Application Papers.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Patent Application Processing will be informed of the instant decision, will review the drawings filed February 10, 2009, and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Fennemore Craig
3003 North Central Avenue
Suite 2600
Phoenix, AZ 85012

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OFFICE OF PETITIONS

In re Application of	:	
R. Donald Evans	:	
Application No. 12/098,412	:	DECISION ON PETITION
Filed: April 5, 2008	:	TO WITHDRAW
Attorney Docket No. 16455.004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 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. 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 Rodney J. Fuller 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 Joe Smith at the address indicated below.

There is an outstanding Office action mailed June 11, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **R. Donald Evans**
15801 N. 60th Drive
Glendale, AZ 85306

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
12/098,412	04/05/2008	R. Donald Evans	16455.004

CONFIRMATION NO. 2275

POWER OF ATTORNEY NOTICE

27887
FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, AZ 85012

OC000000036755251

Date Mailed: 07/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2009.

- 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.

/tswilliams/

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

Paper No.: _____

DATE : **10/15/09**

TO SPE OF : ART UNIT **3725 (3700)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/098,432** Patent No.: **7,591,128**

Attn: David Jones

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Changes do not affect the scope of the claims and should be entered.

_____

_____

_____

_____

David B. Jones **3725**
SPE **Art Unit**

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P.O. BOX 506
MERRIFIELD, VA 22116

Mail Date: 04/20/2010

Applicant	: Ying-Chieh Chuang	: DECISION ON REQUEST FOR
Patent Number	: 7646350	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/098,462	: 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

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MOU-SHIUNG LIN
ROOM 301/302 NO 47 PARK 2ND RD
SCIENCE-BASED INDUSTRIAL PARK
HSIN-CHU 300 TW

COPY MAILED
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In re Application of :
Mou-Shiung Lin :
Application No. 12/098,467 : DECISION ON PETITION
Filed: November 6, 2008 :
Attorney Docket No. MSL98-004-E01:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 6, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to application No. 09/258,911.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and CFR 1.78(a)(2)(i) of the prior-filed application(s),unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed

> was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not satisfy requirement (1) above.

There is an improper benefit claim in 10/420,596, so applicant can not make the benefit claim in the instant application. The priority claim in 10/420,596 must be correct in order to correct the priority claim here. In this regard, MPEP 201.11(II)(C) states:

> Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed -, which is a continuation of Application No. B, filed --, which claims the benefit of provisional Application No. A, filed -", then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

However, since 10/420,596 has issued as a patent, correction in that patent must be made by reissue.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By fax: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Mou-Shiung Lin :
Application No. 12/098,467 : DECISION ON PETITION
Filed: November 6, 2008 :
Attorney Docket No. MSL98-004-E01:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 9, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to application No. 09/849,039.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii).

Applicant filed a petition under 37 CFR 1.78(a)(3) on November 6, 2008, for the benefit of priority to application No. 09/849,039. However, the petition was dismissed in a decision mailed on December 12, 2008. The decision pointed out that there was an improper benefit claim in application No. 10/420,596. As that application had issued as a patent, correction in that patent must be made be reissue. The decision cited MPEP 201.11(II)(C), which states:

> Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed -, which is a continuation of Application No. B, filed --, which claims the benefit of provisional Application No. A, filed -", then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

With the instant renewed petition, petitioner explains that application No. 10/420,596 contained a Preliminary Amendment, which claimed the priority of application No. 09/849,039. A review of 10/420,596 confirms that to be the case.

The instant petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed application has been included in an amendment to the first sentence of the specification; (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 and 365(c) to the prior-filed application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120

and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any questions concerning this decision on petition may be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

Enc: corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/098,467	04/07/2008	2892	1240	MSL98-004-E01	20	4

CONFIRMATION NO. 2425

Mou-Shiung Lin
Room 301/302, No. 47, Park 2nd Rd.,
Science-Based Industrial Park
Hsin-Chu, 300
TAIWAN

CORRECTED FILING RECEIPT

Date Mailed: 03/16/2009

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)

Mou-Shiung Lin, Hsin-Chu, TAIWAN;

Assignment For Published Patent Application

MEGICA CORPORATION, Hsinchu, TAIWAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/420,596 04/22/2003 PAT 7,378,735
which is a DIV of 09/849,039 05/04/2001 PAT 6,586,266
which is a CIP of 09/729,152 12/04/2000 PAT 6,303,996
which is a DIV of 09/258,911 03/01/1999 PAT 6,180,426

Foreign Applications

GERMANY 102007016432.9 04/05/2007

If Required, Foreign Filing License Granted: 04/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/098,467**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

HIGH PERFORMANCE SUB-SYSTEM DESIGN AND ASSEMBLY

Preliminary Class

257

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).

6-25-09

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ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
Alexandria, VA 22313-1450

Patent No. : 7,535,102
Serial No. : 12/098,467
Applicant : Mou-Shiung, et. al.
Issued : May 19, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.323.

Respecting the alleged applicant's mistake on the 12-01-2008 Terminal Disclaimer sheet, the printed patent does not contain the incorrect information being referred to by applicant. The terminal disclaimer sheet dated 12-01-2008 was used by the office for the purpose of publishing the notice of terminal disclaimer. The notice appears on the title page of patent and lists the term of patent. In this particular case, below the notice is a statement which indicates that the patent is subject to a terminal disclaimer. All of the above identified information mentioned appears on the title page as correct. The inventor names on the title page at Item (75) are correct. The assignee name on the title page at Item (73) is correct. There is no more information concerning the terminal disclaimer to review on the title page or specification in the printed patent. Therefore, the office cannot take any action on this matter.

In view of the foregoing, your request in this matter is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Decisions and Certificates of Correction
Eva James
For Mary Diggs
(703) 756-1583 or 1580

Megica Corporation
Science-Based Industrial Park
Room 301/302, No.47, Park 2nd Rd.
Hsinchu, 30075, Taiwan

ej

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/098,513	Confirmation Number	2525	Filing Date	2008-04-07
Attorney Docket Number (optional)	015736-000400US	Art Unit		Examiner	
First Named Inventor	Rudolf W. Gunnerman				
Title of Invention	CONVERSION OF BIOGAS TO LIQUID FUELS				

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
RUDOLF	WILHELM	GUNNERMAN	

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	/M. Henry Heines/	Date (YYYY-MM-DD)	2008-04-18
Name	M. Henry Heines	Registration Number	28219

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Rudolf W. Gunnerman

Application No. 12098513

Filed:

Attorney Docket No. 015736-000400US

: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 18-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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MAIL

MAY 13 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299

In re Application of:
CLARK, MICHAEL C.
Serial No.: 12/098,521
Filed: April 7, 2008

Title: **OPTIMIZED COLLECTION OF AUDIO FOR SPEECH RECOGNITION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 7, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. item 6.3.

For the reason cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient in section 9(C) because applicant has not provided a detailed explanation of how each claim, including dependents is patentable over ***each*** of the references cited with particularity required by 37 CFR 1.111(b) and (c).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299

MAIL

JUN 25 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
CLARK, MICHAEL C.
Serial No.: 12/098,521
Filed: April 7, 2008

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

Title: **OPTIMIZED COLLECTION OF AUDIO FOR SPEECH RECOGNITION**

This is a decision on the petition filed on June 13, 2008 requesting reconsideration that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

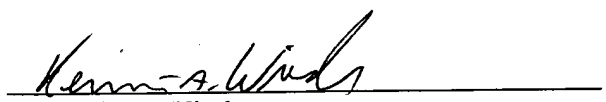
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.



Kenneth A. Wieder
Quality Assurance Specialist
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
GRIFFITH, TIMOTHY PETER et al.
Serial No.: 12/098,547
Filed: April 7, 2008

Title: **METHOD AND SYSTEM FOR ANALYZING A PRESENTATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600 Communications

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OFFICE OF PETITIONS

In re Application of :
TRUCKAI, Csaba et al. :
Application No. 12/098,560 : DECISION ON PETITION
Filed: April 07, 2008 : TO WITHDRAW
Attorney Docket No. **021447-000553US** : 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 05, 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 James M. Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CSABA TRUCKAI**
19566 ARDEN COURT
SARATOGA, CA 95070

cc: **PHILIP S. JOHNSON**
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,564	04/07/2008	Gordon D. Hutchison	GB920080090US1	2643

45046 7590 05/09/2008

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EXAMINER	
LONG, FONYA M	

ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
05/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

In re application of
Hutchison et al.
Application No. 12/098,564
Filed: April 07, 2008
For: METHOD FOR VERIFYING PHYSICAL SPACE REPRESENTING A TRANSACTION CONTEXT IN A VIRTUAL WORLD

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on April 07, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination (AE)" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts

in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with condition II.5.1, II.5.2, and II.6.5.

As per Condition II.5.1, the 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 sources and includes such a justification with this statement. Only a Google non-patent literature search has been done.

Per the accelerated examination guidelines, part I, item 8, subsection 4, a text search of the suggested non-patent literature (NPL) resources from the current USPTO search templates found at

http://www.uspto.gov/web/patents/searchtemplates/searchtemplates.htm

This application has been classified in 705/1. In order to comply with this requirement, follow the search template guidance provided by

http://www.uspto.gov/web/patents/searchtemplates/class705-001.htm

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

Applicant's search is too narrow is that it is only one search thread and requires the disclosure of the search terms to be included in only one paragraph. (see the use of the "same" operator.)

Applicant has placed too much emphasis on a novelty-type of search involving a virtual or simulated world or environment and the rollback concept and as a result has provided no references. The concept of obviousness is often a key component in a search and would involve finding and reporting on the closest art found with respect to the individual features or groups of features in the claim. E.g. general searches covering features of "mediator processors" or

methods, and synonyms therefor, involved in offer, acceptance, counter offer, escrow, etc. would be informative, as would separate searches directed to virtual environments with "restoration means" to restart from a saved prior point.

The broadest reasonable interpretation must be considered, too. Broadest reasonable interpretation could be shown in a text search by more extensive use of synonyms. For example, a virtual world could be searched using synonyms or words that imply such an environment including "cyberspace", "avatar" or "3D". With respect again to obviousness, the "room" or "space" claimed could also be analogous to a website of a third party providing mediation. This is common among business to business websites.

As a starting point for a possible search strings for claim 1, the following is provided using EAST syntax. Plurals on.

Line 1 (mediat$ or arbitrate$ or interced$) with (transaction or purchas$ or negotiat$ or mortgag$ or escrow$ or bailment or offer or acceptance or authentic$)
Line 2 (virtual or avatar or cyberspace or (cyber adj space) or simulate$ or 3d or (3 adj D) or (three adj dimension$)) with (world or environment or online or web adj (site or page) or webpage or website or internet)

This is just a sample starting point and merely copying this search will not necessarily comply with the requirement. It is assumed that an actual search would be further developed and dynamically evolve based upon results. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/

In regards to conditions II.6.1, II.6.2 and II.6.3, it is expected that upon an improved search and consideration of obviousness that some art will be made of record. In order to comply, support for the above conditions must be provided.

In regards to condition II.6.5, an accelerated examination support document must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph.

Applicant makes heavy use of the means plus function language. The requirement to identify each instance of means plus function and for each instance identify the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element has not been addressed.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

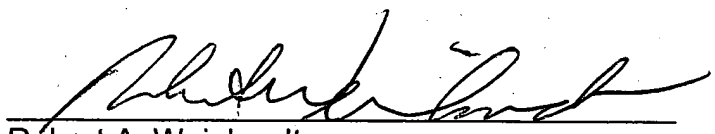
DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633. Inquiries may also be directed to Michael Cuff at (571) 272-6778.



Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/MAC/05/07/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,564	04/07/2008	Gordon D. Hutchison	GB920080090US1	2643

45046 7590 07/07/2008

IBM CORPORATION (SWP)
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14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

EXAMINER	
LONG, FONYA M	

ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
07/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299

In re application of : **DECISION ON PETITION**
Hutchison et al. : **TO MAKE SPECIAL FOR**
Application No. 12/098,564 : **NEW APPLICATION**
Filed: April 7, 2008 : **UNDER 37 CFR 1.102**
For: METHOD FOR VERIFYING VIRTUAL PHYSICAL SPACE REPRESENTING A TRANSACTION CONTEXT IN A VIRTUAL WORLD

This is a decision on the renewed petition filed on June 5, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on April 7, 2008. That petition was dismissed in a decision mailed May 9, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal included a finding of an inadequate Search Document and an inadequate Support Document.

With the updated Support Document filed June 5, 2008, applicant has successfully remedied the issues raised in the dismissal with respect to the originally filed Support Document. However, with respect to the issues raised regarding the originally filed Search Document, these issues have not been sufficiently addressed by the updated Search Document filed June 5, 2008.

Specifically, the dismissal indicated that the search involve non-patent literature according to the search template of the area that the application is classified in unless applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and include such justification with this statement. The dismissal further provided the link to the specific search template associated with the classification of the application, where the specific

search template lists several files required for the template search. To name a few, some of the files include the following:

ABI/INFORM
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
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Wall Street Journal Abstracts
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However, the new files searched in the updated Search Document still do not seem to include the files listed in the specific search template for 705/1. For example, some of the updated files searched include File 51: Food Sci & Tech Abs 1969-2008/May W3, File 96: FLUIDEX 1972-2008/Apr, and File 80: TGG Aerospace/Def. Mkts® 1982-2008/May 21. These files are not listed in the search template for 705/1 nor do they appear to have any relevance to the features of the claimed invention.

Additionally, the updated Search Document does not include a statement justifying with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources.

For the above stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a only single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Business Practice Specialist C. Michelle Tarae at (571) 272-6727.

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT7/2/08

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,574	04/07/2008	Tian Cheng Liu	GB920080050US1 (105079)	2660

78148 7590 08/18/2008

KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER	
ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
08/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of:
Liu, Tian Cheng et al.
Serial No.: 12/098,574
Filed: April 7, 2008
Docket: GB920080050US1 (105079)
Title: METHOD AND SYSTEM FOR APPROXIMATING OBJECT SIZES IN AN OBJECT-ORIENTED SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 7, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention;
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of the Notice to File Corrected Application Papers on April 11, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan., Quality Assurance Specialist can be reached at (571)272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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LEADING EDGE LAW GROUP, PLC/XEROX-PARC
THREE JAMES CENTER
1051 EAST CARY STREET, SUITE 1130
RICHMOND VA 23219

MAILED

APR 17 2009

OFFICE OF PETITIONS

In re Patent No. 7,479,625 :
Application No. 12/098,584 :
Filed: April 7, 2008 : ON PETITION
Issued: January 20, 2009 :
Attorney Docket No. 20050125-US-CNT/U1047/071 :

This is a decision on the petition filed February 2, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

A Certificate of Correction was issued on March 17, 2009, reflecting the correct name of the assignee.
Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

JOHN W. BYRD
913 ELDER AVENUE APT - A
BRONX NY 10473

APR 23 2008

In re Application of: Byrd, John Wesley Serial No.:12/098,615 Filed: April 07, 2008 Title: BIRDMAN	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 07, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Corrected Application Papers on April 11, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

Note that the policy as published in the Federal Register on June 26, 2006 (attached to this communication as a courtesy to the Applicant) as outlined on 36326, part VIII, conditions for examination, sections (C), (D), (F), conditions for examination include: an oath in compliance with 37 CFR 1.63, a specification in compliance with 37 CFR 1.52, and drawings in compliance with 37 CFR 1.84. As the oath was missing, the specification failed to comply with 37 CFR 1.52, and the drawings as filed were not in compliance with 37 CFR 1.84 at filing, the application is not considered to be complete under 37 CFR 1.51 and not in condition for examination at the time of filing. Therefore, the application is ineligible for consideration under the accelerated examination program.

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.

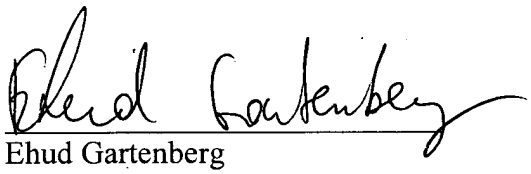
Note that 37 CFR can be found on the web at www.uspto.gov > Patents > Laws and Regulations > Manual of Patent Examining Procedure – MPEP > Appendix R – Patent Rules,

or directly at the following internet address:

http://www.uspto.gov/web/offices/pac/mpep/documents/appxr.htm

As a courtesy, it appears that Applicant may be an independent inventor that may be eligible to pay "Small Entity Fees", and consequently may be eligible for a partial refund for overpayment within three months from the date of the initial application, as per 37 CFR 1.28.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Jessica Harrison, Special Program Examiner, at 571 272-4449.



Ehud Gartenberg
Special Program Examiner
Technology Center 3700

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

DATES: *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7726, or by facsimile at (571) 273–7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to *MPEPFeedback@uspto.gov*, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217–9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. *See* 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. *See* 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. *See* Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. *See* Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(A) This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (*see* item 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. *See* 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108–453, 118 Stat. 3596 (2004)).

Part II. Decision on Petition To Make Special: Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. *See* Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL–85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL–85; and (2) not file any post-allowance papers that are not required by the USPTO (*e.g.*, an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (*i.e.*, the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process, the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (*see* 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (*e.g.*, a secrecy order, national security review, interference, or petitions under 37 CFR 1.181–1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information: Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. *See* 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at *http://www.uspto.gov/web/forms/index.html.*

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (*e.g.*, a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (*e.g.*, an IDS citing new prior art after the mailing of a first Office action). *See* Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651–0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6–10022 Filed 6–23–06; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,632	04/07/2008	John P. Sessa	38.3598	2766

39682 7590 08/25/2008

Zies, Widerman, Sutch & Malek, P.L.
202 N. Harbor City Blvd
Suite #200
Melbourne, FL 32935

EXAMINER	
ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
08/25/2008	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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CST

8/25/08

In re application of
John P. Sessa et al
Serial No. 12/098,632
Filed: April 7, 2008
For: DEVICE FOR CONVERTING CARBONACEOUS MATTER INTO SYNTHESIS GAS AND ASSOCIATED METHODS

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 28, 2008 to make the above-identified application special because of enhancement of environmental quality.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (environmental quality) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application contains greater than twenty total claims (27 claims) and because the application, at the time of filing, was not complete and in condition for examination. Note, specifically, the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed on May 7, 2008, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

Additionally, the petition to make special was not filed on the same day as the application as required by MPEP 708.02(a).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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ZIES WIDERMAN & MALEK, P.L.
202 N. HARBOR CITY BLVD
SUITE #101
MELBOURNE, FL 32935

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OCT 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Sessa et al. :
Application No. 12/098,632 : ON PETITION
Filing: April 7, 2009 :
Attorney Docket No. 38.3598 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 25, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1625 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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Caterpillar Inc.
Intellectual Property Dept.
AH 9510
100 N.E. Adams Street
PEORIA, IL 61629-9510

In re Application of		
David A. Wiese et.al.	:	DECISION ON PETITION
Application No. 12/098,695	:	TO INVOKE SUPERVISORY
Filed: April 7, 2008	:	AUTHORITY
Attorney Docket No.: 08-004	:	UNDER 37 CFR 1.181
For: ADJUSTABLE STRIKER BOLT SYSTEM AND METHOD	:	

This decision is in response to applicant's petition to invoke supervisory authority under 37 CFR 1.181 filed August 17, 2009 requesting withdrawal of objections to the drawings and claims.

The petition is **GRANTED**.

A review of the record reveals that the examiner has objected to the drawings under 37 CFR 1.83(a) for not showing the assembly having just two slots, as supposedly claimed in independent claims 1, 10, 13 &19.

However, such is not the case in that the claim recitation of just two slots does not appear in any of the independent claims, but rather the claim language just calls for a first slot and second slot which are clearly shown in Figure 2.

Further, independent claims 1, 10, 13 & 19 were objected to by the examiner for alleged informalities, but no reasoning or basis for this objection was provided by the examiner. Given that no clear reasoning has been provided, there is no basis for this objection.

Accordingly, the examiner's drawing objection and claim objections are improper for the reasons cited above. The claim language of independent claims 1, 10, 13 & 19 is considered to be fully illustrated in the figures and do not contain any informalities as previously asserted by the examiner.

It is noted that an Office action has been mailed on October 5, 2009, as a result of the pre-appeal conference held in response to the pre-appeal request filed August 17, 2009, where both the drawing objection and claim objections have been withdrawn by the examiner. The application

is currently rejected under a non-final action set forth in the Office action mailed October 5, 2009. Applicant is required to respond to the non-final Office action mailed October 5, 2009 within the shortened statutory period of 3 months set therein.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Peter M. Cuomo at (571) 272-6856.

Frederick R. Schmidt, Director
Technology Center 3600
(571) 272-5150
Facsimile No.: (571) 273-8300

PMC/snm 11/9/09

SM

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KAPLAN GILMAN & PERGAMENT LLP
1480 ROUTE 9 NORTH
WOODBRIDGE NJ 07095

In re Application of :
GOLDBERG, Edward :
Application No. 12/098,704 : DECISION ON PETITION
Filed: April 07, 2008 : TO WITHDRAW
Attorney Docket No. **287/6 DIV 3** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Gilman on behalf of all attorneys of record who are associated with customer No. 83336. All attorneys/agents associated with the Customer Number 83336 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Edward Goldberg at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialis
Office of Petitions

cc: **EDWARD GOLBERG**
501 REIS AVENUE
TEANECK NJ 07666

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KAPLAN, GILMAN & PERGAMENT, LLP
1480 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

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OFFICE OF PETITIONS

In re Application of :
Edward Goldberg :
Application No. 12/098,716 : DECISION ON PETITION
Filed: April 7, 2008 : TO WITHDRAW
Attorney Docket No. 287/6 DIV 2 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael Gilman on behalf of all attorneys of record who are associated with customer No. 83336. All attorneys/agents associated with the Customer Number 83336 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed December 12, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: EDWARD GOLDBERG
501 REIS AVENUE
TEANECK, NJ 07666

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/098,716	04/07/2008	Edward Goldberg	287/6 DIV 2

CONFIRMATION NO. 2935

POWER OF ATTORNEY NOTICE

83336
Kaplan Gilman & Pergament LLP
1480 Route 9 North
Woodbridge, NJ 07095

Date Mailed: 01/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/29/2008.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	3	"11511460"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:04
S2	1	"12127243"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:07
S3	3	"6716512" .pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:09
S4	3	"6716512" .pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:33
S5	1	"10432037"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:36
S6	0	"10484192"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:39
S7	2	"20040166035".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:39

EAST Search History (Prior Art)

S8	1	"10505419"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:42
S9	2	"20050085382".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:42
S10	3	"11511460"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:47
S11	1	"11730149"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:47
S12	1	"11907371"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:55
S13	1	"12025377"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:56
S14	1	"12098723"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:58

EAST Search History (Prior Art)

S15	1	"12206524"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 09:58
S16	2	"5455097".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:07
S17	2	"5494881 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:09
S18	2	"5866079 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:11
S19	2	"5720787 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:14
S20	2	"5895700 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:15
S21	2	"6242071 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:19

EAST Search History (Prior Art)

S22	2	"6338826 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:21
S23	2	"6596666 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:21
S24	1	"10482299"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:23
S25	2	"20040131512".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:24
S26	0	"10667339"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:25
S27	2	"20040071611".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:25
S28	1	"10668195"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:27

EAST Search History (Prior Art)

S29	1	"10673497"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:34
S30	1	"10694998"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:35
S31	2	"10778051"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:36
S32	2	"20040161373" .pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:36
S33	2	"11139542"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:37
S34	2	"20050274096" .pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:38
S35	4	"11252758"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:39

EAST Search History (Prior Art)

S36	2	"11373272"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:39
S37	1	"11377430"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:40
S38	2	"11511461"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:41
S39	1	"12145210"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:43
S40	1	"12406697"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:44
S41	2	"6939522".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:47
S42	10	"10048584"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:48

EAST Search History (Prior Art)

S43	3	"10169553"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:49
S44	2	"20020197193" .pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:49
S45	2	"20030000188 " .pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:50
S46	2	"20030000188"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:50
S47	2	"11511457"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:51
S48	1	"11730157"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/20 10:54
S49	1	"12098723"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 16:11

EAST Search History (Prior Art)

S50	3	"20040161373"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 16:19
S51	2	"20070234694"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 16:36
S52	7927954	mass per filtration area	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 16:45
S53	3	mass adj per adj filtration adj area	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 16:45
S54	82037	(honey adj comb) or honeycomb	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:08
S55	265	S54 and (cup near4 shape)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:09
S56	0	S54 and ((cup near4 shape) near10 cell)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:12

EAST Search History (Prior Art)

S57	6	S54 and ((cup near4 shape) same (cell or cells))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:18
S58	15921	S54 and filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:18
S59	219	S58 and (cup near10 (shape or shaped))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:18
S60	5	S58 and ((cup near10 (shape or shaped)) same (cell or cells))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:19
S61	8090	((honey adj comb) or honeycomb) same filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:19
S62	0	S61 and ((cup near10 (shape or shaped)) same (cell or cells))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:20
S63	41	S61 and (cup near10 (shape or shaped))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:20

EAST Search History (Prior Art)

S64	3222	(cup near10 (shape or shaped)) same (cell or cells)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:22
S65	41	S64 and ((honey adj comb) or honey comb)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:22
S66	11	S64 same ((honey adj comb) or honey comb)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:22
S67	4878	((honey adj comb) or honeycomb) near4 filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:24
S68	9	S67 and ((cell or cells) same (varying near15 thickness))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:25
S69	18753	((nonuniform or (non adj uniform)) near15 thickness)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:31
S70	67	((nonuniform or (non adj uniform)) near15 thickness) same ((honey adj comb) or honeycomb)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:31

EAST Search History (Prior Art)

S71	253382	"67" and filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:32
S72	25	S70 and filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/24 17:32
S73	2	"20060228519"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:03
S74	67	((nonuniform or (non adj uniform)) near15 thickness) same ((honey adj comb) or honeycomb)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:12
S75	67	((nonuniform or (non adj uniform)) near15 thickness) same ((honey adj comb) or honeycomb)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:12
S76	25	S75 and filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:12
S77	25	S76	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:12

EAST Search History (Prior Art)

S78	4	((nonuniform or (non adj uniform)) near15 thickness) same ((honey adj comb) or honeycomb) same catalyst	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:32
S79	80	((nonuniform or (non adj uniform)) near15 thickness) same catalyst	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:36
S80	0	S79 and (((honey adj comb) or honeycomb) same filter$2)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:37
S81	8	S79 and ((honey adj comb) or honeycomb)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 08:37
S82	2	"20070234694"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:05
S83	3	"20040161373"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:09
S84	3	"20040161373"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:13

EAST Search History (Prior Art)

S85	2	"20070234694"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:13
S86	8090	((honey adj comb) or honeycomb) same filter	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:18
S87	814	S86 and ((metal near10 fiber) or (ceramic near10 fiber))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:19
S88	154	S86 and (((metal near10 fiber) or (ceramic near10 fiber)) same catalyst)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:19
S89	33	S86 and (((metal near10 fiber) or (ceramic near10 fiber)) same catalyst same layer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 09:19
S90	1	"12098723"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:12
S91	1645	55/523.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:28

EAST Search History (Prior Art)

S92	342	S91 and (diameter same porosity)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:28
S93	126	S92 and (fiber same (ceramic or metal))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:28
S94	94	S93 and (honeycomb or (honey adj comb))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:29
S95	1622	60/311.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:29
S96	483	S95 and (honeycomb or (honey adj comb))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:29
S97	40	S96 and (diameter same porosity) and ((ceramic or metal) near10 metal)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:30
S98	22	S96 and (diameter same porosity) and ((ceramic or metal) near10 fiber)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2009/11/25 12:30

EAST Search History (Prior Art)

S99	3	"20040033175"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:00
S100	2	"5914187".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:09
S101	1976	422/180.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:17
S102	1054	S101 and honeycomb	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:19
S103	656	S102 and (thickness or thicker)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:19
S104	478	S103 and (platinum or palladium or ceria or alumina)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:20
S105	427	S104 and (cordierite or sic or (alumina adj titanate) or mullite or (silicon adj nitride) or sialon or (zirconium adj phosphate) or zirconia or titania or alumina or silica)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:22

EAST Search History (Prior Art)

S106	88	S105 and porosity and (pore near5 diameter$2)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:23
S107	2	S106 and (uneven near5 thick$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:30
S108	3	"20040053781"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 09:47
S109	1	"12098723"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 10:37
S110	2	"7080636".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 12:58
S111	1	11/946,925	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:12
S112	1	11/946,934	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:15

EAST Search History (Prior Art)

S113	6	TAIHEYO.as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:54
S114	93437	(general adj electric).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:55
S115	0	(taiheyo adj cement adj corporation).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:56
S116	6580	((united adj states adj department) near5 energy)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:58
S117	410	((united adj states adj department) near5 energy).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:58
S118	11	(university near5 texas near5 austin).as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 13:59
S119	11	(university near5 texas near5 austin).asn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/21 14:01

EAST Search History (Prior Art)

S120	1	"12008296"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 08:05
S121	2	"5815884".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 08:07
S122	3	"11511460"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 12:58
S123	1	"12127243"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 12:59
S124	0	"12603338"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:00
S125	2	"20020180117"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:01
S126	3	"20040037998"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:02

EAST Search History (Prior Art)

S127	0	"10484192"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:02
S128	2	"20040166035"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:02
S129	2	"20070048494"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:03
S130	2	"20070231539"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:03
S131	2	"20080044319"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:04
S132	2	"20080125316"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:05
S133	2	"20090047188"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:05

EAST Search History (Prior Art)

S134	2	"5455097".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:06
S135	2	"5494881 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:07
S136	2	"5866079 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:07
S137	2	"5895700 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:08
S138	2	"6242071 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:09
S139	2	"6596666 ".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:09
S140	3	"20040131512"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:10

EAST Search History (Prior Art)

S141	3	"20040071611"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:11
S142	3	"20040068971"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:11
S143	3	"20040071931"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:12
S144	3	"20040161373"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:12
S145	2	"20050274096"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:13
S146	3	"20060112669"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:13
S147	2	"20060210764"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:15

EAST Search History (Prior Art)

S148	2	"20060216465"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:15
S149	2	"20070049492"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:16
S150	2	"20080044319"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:17
S151	2	"20080125316"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:17
S152	2	"20080264010"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:18
S153	2	"20080311340"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:18
S154	2	"20090246454"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:18

EAST Search History (Prior Art)

S155	2	"20090246458"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:19
S156	2	"20090226348"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:19
S157	2	"6939522".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:20
S158	3	"20030053940"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:20
S159	2	"20020197193"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:21
S160	2	"20040166035"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:21
S161	3	"20040258582"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 13:22

EAST Search History (Prior Art)

S162	3	"20040053781"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/22 15:19

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KAPLAN GILMAN & PERGAMENT LLP
1480 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of
Edward Goldberg
Application No. 12/098,729
Filed: April 7, 2008
Attorney Docket No. 287/6 DIV 1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Michael Goldberg, on behalf of all attorneys of record who are associated with Customer Number 83336.

All attorneys/agents associated with the Customer Number 83336 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.

Applicant should note that this application is abandoned for a failure to respond to the Notice of Allowance mailed December 17, 2008.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-3206. All other inquires concerning the status of the application should be directed to the Office of Data Management at (571) 272-4100.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: EDWARD GOLDBERG
501 REIS AVENUE
TEANECK, NJ 07666

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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
12/098,729	04/07/2008	Edward Goldberg	

CONFIRMATION NO. 2956

POWER OF ATTORNEY NOTICE

83336
Kaplan Gilman & Pergament LLP
1480 Route 9 North
Woodbridge, NJ 07095

OC000000035443881

Date Mailed: 04/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2008.

- 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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAY 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299

In re Application of:
PHILLIPS, ANTHONY HOWARD
Serial No.: 12/098,731
Filed: April 7, 2008

Title: **METHOD FOR REDIRECTING TEXT MESSAGES AND MOBILE PHONE CALLS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 7, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, 6, 6.2 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/ subclasses: 455/456.1-456.5, 466.

The Support Document only discusses three references whereas, the IDS includes additional cited references. All documents included with the IDS in support of a petition for accelerated examination must be discussed in the Support Document as applicable to item 6 above.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient in that it fails to identify of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient in section 9(C) because applicant has not provided a detailed explanation of how the claim is patentable over ***each*** of the references cited with particularity required by 37 CFR 1.111(b) and (c). Simply repeating the claim and stating that it patentably distinguishes over the reference is not is not with particularity as required by Rule 111.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OMAHA NE 68154-5299

MAIL

JUN 25 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
PHILLIPS, ANTHONY HOWARD
Serial No.: 12/098,731
Filed: April 7, 2008

Title: **METHOD FOR REDIRECTING TEXT MESSAGES AND MOBILE PHONE CALLS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 11, 2008 requesting reconsideration that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Barbara Kay Ellenburg et al. :
Application No. 12/098,738 : DECISION ON PETITION
Filed: April 7, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. 026836-000120US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 by an attorney on behalf of applicant that his/her is age 65 or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2885 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE/
SUITE 140
TUCSON AZ 85718

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JUN 12 2008

In re Application of	:	
Lee, et al.	:	
Application No.: 12/098,748	:	DECISION
Filing Date: 7 April, 2008	:	
Attorney Docket No. TSAI NP-6078	:	

This is a decision on the petition filed on 7 April, 2008, under 37 C.F.R. §1.47.

> **NOTE**: Although the facts and the statement of last known address of the non-signing co-inventor as averred herein are made by Declarant Wang Szu-Han, consistent with the duty to inquire into facts averred/presented and the duty of candor before the Office, Petitioner Norman P. Soloway (Reg. No. 24,315) is presumed to have made the inquiry necessary to satisfy himself as to the accuracy of the information presented in support of his signed petition.

The petition under 37 C.F.R. §1.47 is **GRANTED**.

Petitioner has shown that the non-signing inventor has failed and, thus, constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The record reflects that: Petitioner demonstrates that the entire application—description, claims, abstract and drawings—was sent to and received at the last known residence address the non-signing inventor, and that the non-signing inventor has since failed and, thus, constructively refused to join in the filing of the above-identified application.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

As provided in 37 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.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
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.

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KUAN-SHENG HUANG
NO. 66 DAKENG ROAD
DAKENG VILLAGE
DASHU TOWNSHIP
KACHSIUNG COUNTY 840
TAIWAN (R.O.C.)

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JUN 12 2008

In re Application of	:	
Lee, et al.	:	
Application No.: 12/098,748	:	COMMUNICATION
Filing Date: 7 April, 2008	:	
Attorney Docket No. TSAI NP-6078	:	

Dear Kuan-Sheng Huang:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE/
SUITE 140
TUCSON AZ 85718

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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FRANCISSEN PATENT LAW, P.C.
65 W. JACKSON BLVD
SUITE # 138
CHICAGO, IL 60604

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of :
Paul Meyer :
Application No. 12/098,768 : DECISION ON PETITION
Filed: April 7, 2008 : TO WITHDRAW
Attorney Docket No. MYR8-001US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2009.

The request is **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 Vernon W. Francissen on behalf of all attorneys of record who are associated with customer No. 54384. All attorneys/agents associated with the Customer Number 54384 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: PAUL MEYER
706 N. EVERGREEN AVENUE
ARLINGTON HEIGHTS, IL 60004

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/098,768	04/07/2008	Paul Meyer	MYR08-001US

CONFIRMATION NO. 3019

54384
FRANCISSEN PATENT LAW, P.C.
65 W. JACKSON BLVD
SUITE # 138
CHICAGO, IL 60604

POWER OF ATTORNEY NOTICE

OC000000037891016

Date Mailed: 09/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2009.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,769	04/07/2008	Taiya Hirayama	01306.148861.	3020

5514 7590 07/09/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
LABOMBARD, RUTH NAOMI	
ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
07/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	**: DECISION ON REQUEST TO**
HIRAYAMA et al	**: PARTICIPATE IN THE PATENT**
Application No.: 12/098,769	**: PROSECUTION HIGHWAY**
Filed: 07 April 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 01306.148861.	**: TO MAKE SPECIAL UNDER**
For: IMAGE HEATING APPARATUS	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 24 June 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;

3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1), (2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example only, claim 1 of the JP application requires the first and second rotational bodies to "sandwich" the recording material but such limitation is not present in claim 12 of the instant application. Additionally, claim 1 of the JP application recites "a fixing member ..." and a release unit which "alleviates the urging force of the urging member" while claim 12 of the instant application recites "a screw" and a release unit which "substantially releases" the force acting on the screw. The scope of these limitations do not sufficiently correspond. The above are merely examples of differences in scope between the claims. Applicant is responsible for ensuring the scope of the claims sufficiently correspond.

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) using the document description: Petition to make special under Patent Pros Hwy. 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

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON, DC 20001

COPY MAILED
FEB 18 2010

In re Application of	:	
Reich et al.	:	DECISION ON PETITION
Application No. 12/098,772	:	TO WITHDRAW
Filed: April 7, 2008	:	FROM RECORD
Attorney Docket No. MEDM-001/03US/306971-2006	:	

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 8, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on January 22, 2010 the power of attorney to Cooley Godward Kronish LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Chris E. Maling	:	TO WITHDRAW
Application No. 12/098,787	:	FROM RECORD
Filed: April 7, 2008	:	
Attorney Docket No. 09197.0004-03000	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 13, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on April 13, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There is an outstanding Office action mailed December 10, 2008 that requires a reply.

Telephone inquires concerning this decision should be directed to Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Chris E. Maling
263 Central Street
Foxboro, MA 02035

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901 NEW YORK AVEUNE, NW
WASHINGTON DC 20001-4413

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Chris E. Maling	:	DECISION ON PETITION
Application No. 12/098,787	:	TO WITHDRAW
Filed: April 7, 2008	:	FROM RECORD
Attorney Docket No. 09197.0004-03000	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 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 request was signed by James K. Hammond on behalf of all attorneys of record who are associated with customer No. 22852.

All attorneys/agents associated with the Customer Number 22852 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

There is an outstanding Office action mailed December 10, 2008 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Chris E. Maling
263 Central Street
Foxboro, MA 02035

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,795	04/07/2008	Lucy A. Raw	GB920080105US1	3068

45046 7590 08/01/2008

IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

EXAMINER	
BULLOCK JR, LEWIS ALEXANDER	
ART UNIT	**PAPER NUMBER**
2193	
MAIL DATE	**DELIVERY MODE**
08/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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July 31, 2008

Indhira A. LaPuma
Suiter Swantz pc llo
14301 FN8 Parkway, Suite 220
Omaha, NE 68154-5299

In re Application of:
Lucy A. Raw
Serial No.: 12/098,795
Filed: April 7, 2008
Docket: GB920080105US1
Title: METHOD FOR ADDING COMMENTS TO DELETED CODE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 7, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1, II5.3, II6.1, II6.4, and II6.6 above are met. However, the petition fails to comply with conditions II5.2 II6.2, II6.3, and II6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the pre-examination search must be directed to the (instant) claimed invention. Text searches of section (A) of the Pre-examination Search Document should cover individual features of the claims themselves as well as a combination of features. The text search for US and foreign documents as well as for non-patent literature should include appropriate terms, Boolean operators, truncations, and proximities if applicable.

717/170; 707/203; and 715/229 are areas directed to version management of documents, code, and files. The claimed invention appears to be directed to version management of files (which can be read as documents / software). Since documents are written in a language, i.e. markup language it would constitute code and thus 715 should be searched.

A text search corresponding to version management of files includes: source code same version near2 management; files same code same version near2 management.

Clarification and/or correction are required.

Examples of various search strategies can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document".

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.2 above, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. It is unclear from the description of the references provided in section 9(A) which limitation if any limitations recited in claim 1 are found in the references deemed most closely related. In addition, Petitioner fails to specify where the limitations if they exist may be found. Correction is required

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.3 above the accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). Section 9(C) fails to identify which specific claimed features are not disclosed by references deemed most closely related. Correction is required.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the

[1] MPEP 8th ed. rev 6 September 2007

specification. In section 9(E) of the Examination Support Document, Petitioner notes for each claim feature that support may be found in "at least" a particular paragraph of the written description. However, use of the phrase "at least" makes it unclear if the location of support is fully identified by listing a single paragraph for each feature. If there are other areas of support (e.g., other areas of written description, figures, etc), Petitioner is required to include them or if the single paragraph listed provides the complete basis for support, the section should be amended to remove the "at least" phrase. Clarification and identification of support for each claim limitation is required.

DECISION

For the above-stated reasons, the petition is **Dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,795	04/07/2008	Lucy A. Raw	GB920080105US1	3068

45046 7590 10/01/2008

IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

EXAMINER	
WANG, JUE S	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
10/01/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

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September 30, 2008

Indhira A. LaPuma
Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

In re Application of:
Lucy A. Raw
Serial No.: 12/098,795
Filed: April 7, 2008
Docket: GB920080105US1
Title: METHOD FOR ADDING COMMENTS TO DELETED CODE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 29, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply

within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,799	04/07/2008	Kevin M. Binswanger	RSW920070304US1 (352)	3075

46320 7590 06/02/2008

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

EXAMINER	
ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
06/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON FL 33487

In re Application of:
Kevin BINSWANGER, et al.
Serial No.: 12/098,799
Filed: April 7, 2008

Title: **RESOURCE CORRELATION PREDICTION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 7, 2008 requesting that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d). This decision is also responsive to the replacement Accelerated Examination Support Document filed June 2, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01.

As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS): Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/
Krista Zele
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.
12/098,834	04/07/2008	Makoto Sugizaki	Q106751	3140

7590 03/12/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
03/12/2009	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: 03/13/2009 NFARMER
04/08/2008 INTEFSW 00001921 194880 12098834
02 FC:1111 510.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,858	04/07/2008	Makoto Sugizaki	Q106752	3177

7590 03/12/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
2625	
MAIL DATE	DELIVERY MODE
03/12/2009	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: 03/13/2009 NFARMER
04/08/2008 INTEFSW 00002077 194880 12098858
02 FC:1111 510.00 CR

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MORRISON & FOERSTER LLP
755 PAGE MILL RD.
PALO ALTO CA 94304-1018

MAILED

JUN 23 2009

OFFICE OF PETITIONS

In re Application of
Matthew B. Seefeldt et al
Application No. 12/098,877
Filed: April 7, 2008
Attorney Docket No. 559352000900

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 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Gladys H. Monroy on behalf of all attorneys of record who are associated with customer No. 25226.

All attorneys/agents associated with the Customer Number 25226 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged since no new address was provided in the request filed February 13, 2009.

This application is being referred to Technology Center AU 1656 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

MR. MATTHEW B. SEEFELDT
1285-C BEAR MOUNTAIN DRIVE
BOULDER CO 80305

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/098,877	04/07/2008	Matthew B. SEEFELDT	559352000900

CONFIRMATION NO. 3216

POWER OF ATTORNEY NOTICE

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 06/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kocreasy/

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.
12/098,878	04/07/2008	Peter Buchmann	1020-00-PT	3219

72025 7590 05/21/2008
DOSTER GREENE , LLC
#215
2 WISCONSIN CIRCLE SIUTE 700
CHEVY CHASE, MD 20815

EXAMINER	
ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
05/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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DOSTER GREENE , LLC
#215
2 WISCONSIN CIRCLE SIUTE 700
CHEVY CHASE MD 20815

In re Application of:
Peter BUCHMANN, et al.
Serial No.: 12/098,878
Filed: April 7, 2008

Title: **PSEUDO-RANDOM BIT SEQUENCE (PRBS) SYNCHRONIZATION FOR INTERCONNECTS WITH DUAL-TAP SCRAMBLING DEVICES AND METHODS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 7, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. , items 5 through 5.3.

Regarding the requirement in item 5. through 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 375/ 130, 141, 145, 354, 367, 368, 371; 380/ 255, 261, 268, 43; 713/ 400; and 714/ 798.

Please note that any request for reconsideration must include an Information Disclosure Statement citing any newly found relevant prior art and an updated Accelerated Examination Support Document (AESD) meeting all of requirements 6.1 – 6.6 for any documents uncovered by the new search(es) as required above.

For the reason cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

,

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SEP 23 2008

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TECHNOLOGY CENTER 2600

DOSTER GREENE , LLC
#215
2 WISCONSIN CIRCLE SUITE 700
CHEVY CHASE MD 20815

In re Application of:
PETER BUCHMANN et al
Serial No.: 12/098878
Filed: April 7, 2008
Attorney Docket Number: CH920070086US1
Title: **PSEUDO-RANDOM BIT SEQUENCE (PRBS) SYNCHRONIZATION FOR INTERCONNECTS WITH DUAL-TAP SCRAMBLING DEVICES AND METHODS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 21, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Eileen Lillis, Quality Assurance Specialist, at (571) 272-6928.

/Eileen D. Lillis/

Eileen D. Lillis
Quality Assurance Specialist
Technology Center 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,888	04/07/2008	Dennis L. Schultze	1423-110	3236

32905 7590 06/01/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
06/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.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

JUN 0 1 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Dennis L. Schultze
Serial No.: 12/098,888
Filed: April 7, 2008
Attorney Docket No.: **1423-110**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed May 19, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 19, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

25 JUN 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

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
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GARDEN CITY NY 11530

In re Application of	:	
MATSUMOTO, et al.	:	DECISION ON PETITION
Application No.: 12/098,917	:	
Filing Date: 07 April 2008	:	UNDER 37 CFR 1.182
Atty. Docket No.: 22540	:	
For: MIMO WIRELESS COMMUNICATIONS SYSTEM AND METHOD BY A PLURALITY OF BASE STATIONS AND MOBILE STATIONS	:	

This is a decision on applicant's "Petition Pursuant to 37 C.F.R. § 1.182" filed on 06 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 October 2006, applicant filed international application PCT/JP2006/320072, which claimed priority of an earlier application filed 07 October 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 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 07 April 2008.

On 07 April 2008, applicant electronically filed a utility patent application in the United States via EFS-WEB , which was accompanied by, *inter alia*,: a fee payment of $2270, an Information Disclosure Statement, an English translation of the international application as filed; an executed combined declaration and power of attorney; a preliminary amendment; a substitute specification and an Application Data Sheet. The application was processed as a filing under 35 U.S.C. 111(a).

On 07 May 2008, applicant was mailed a "Response to Request For Corrected Filing Receipt."

On 06 June 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

As confirmed in applicant's present filing, applicant's did not select the radio button for filing under 35 U.S.C. 371, but rather used the button for filing a "Utility under 35 USC 111(a)" when electronically filing the above-captioned application on 07 April 2008. The PTO-1390

transmittal letter and Application Data Sheet did identify the application as a National stage entry of PCT International Application number PCT/JP2006/320072. Thus, it was unclear what type of application applicant was intending to file. Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). (See 37 CFR 1.494(f) and 37 CFR 1.495(g)). In addition, section 1893.03(a), page 1800-114 of the MPEP states that "[i]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a)." The use of the "Utility under 35 USC 111(a)" radio button is considered a conflicting instruction. As such, the application was properly treated as an application under 35 U.S.C. 111 and 37 CFR 1.53.

Furthermore, U.S. statutes and regulations do not make specific provision for the requested action and as such, the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (i.e., the loss of patent rights) where no other remedy is available.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, if this application (Application No. 12/098,917) and the international application (PCT/JP2006/320072) designating the United States were copending on 07 April 2008. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is a continuation of international application PCT/JP2006/320072, filed 06 October 2006 which designated the United States and is now abandoned."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau for the national stage cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

In addition, applicant is advised that it is possible to revive the present international application in the National Stage in the United States pursuant to 37 CFR 1.137(b). This advice should not be construed as a statement as to whether said petition will be granted.

CONCLUSION

The petition to convert the application from a 35 U.S.C. 111 filing to a national stage application under 35 U.S.C. 371 is **DISMISSED**.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,925	04/07/2008	Martin R. Naish	GB920080106US1	3307

45046 7590 07/18/2008

IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA, NE 68154-5299

EXAMINER	
CALDWELL, ANDREW T	
ART UNIT	**PAPER NUMBER**
2142	

MAIL DATE	DELIVERY MODE
07/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Scot M Ringenberg
IBM CORPORATION (SWP)
C/O SUITER SWANTZ PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299

In re Application of:
Naish et. al.
Serial No.: **12/098925**
Filed: April 07, 2008
Docket: **GB920080106US1**
For: **METHOD AND SYSTEM TO DYNAMICALLY APPLY ACCESS RULES TO A SHARED RESOURCE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 07, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II and 6.1, 6.3, 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2, 6.2 & 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP §708.02(a)(I.)(H)[1] and item II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

The search should additionally have included the classes 709/228(controlling sessions and allocating and controlling access to resources), 709/218-219(access to remote data resources) and 709/226(networked resource allocation).

The search syntax and terms were also deficient in the ways listed below. Where search terms are suggested for improving the scope and direction of the search, the suggestions will employ EAST syntax. The petitioner should remain mindful that any suggested queries or terms presented here do not comprise complete queries. Please adapt such suggestions, as appropriate, to incorporate them into fully formed searches. If a connector is not specified, the use of "OR" may be assumed.

- The search is performed in an inappropriately narrow and limited manner due to the fact that it appears to search for all features of the invention in a single query. While such a query might have revealed 35 USC 102 rejection material, it is unlikely to uncover obvious combinations of prior art that would act as a bar to patentability under 35 USC 103. Petitioner should split up the search into multiple queries, each directed to a different field related to this subject matter. The petitioner must then explain with particularity how his invention is patentable over this prior art and any obvious combinations thereof.
- In place of *alloc$,* use *distrib$ dispens$ alloc$ (hand adj out) (deal adj out) (dole adj out) issue assign regist$ designat$*
- In place of *(shared public)* use *(shared public common mutual joint collab$ together combined cooperative collective)*
- In place of *request* use *call$4 request$4 ping$4 quer$5 ask$4 inqu$5 question$5 command$*
- In place of *rule* use *(policy mandate$ obligat$ rule$4 require$4 limit$ algorithm formula method)*
- In place of *instruction* use *(instruct$ command$ order$ script$ operation$ control)*

Regarding the requirement of MPEP §708.02(a)(I.)(H)[2] and item II.6.5 above, the showing of 112 1st support for claim 1 is proper however there is no showing for claims 2-8.

With regard to the requirement of MPEP § 708.02(a)(I)(2) and item 6.2 above, Petitioners identification of limitations in the claims by way of a general discussion without reference to specific claim language of the most closely related patents and publications cited does not comply with this requirement. Petitioner should provide a detailed discussion of each of the identified references, identifying subject matter by way of **figure, page, column and line numbers**, as appropriate, as they pertain to **ALL of the claim limitations of the instant application**.

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[1] MPEP 8th ed. rev 6 September 2007
[2] MPEP 8th ed. rev 6 September 2007

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is WQAS Kim Huynh at (571) 272-4147.

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software
571-272-3612

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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In re Application of:
Naish et. al.
Serial No.: **12/098925**
Filed: April 07, 2008
Docket: **GB920080106US1**
For: **METHOD AND SYSTEM TO DYNAMICALLY APPLY ACCESS RULES TO A SHARED RESOURCE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 18, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on April 7, 2008 was dismissed in the decision mailed on July 18, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of conditions II 6.2 and the new Search Document meets the requirements of conditions II 5.2 that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

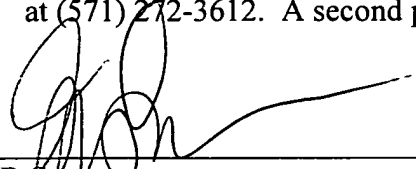
On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.



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