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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,150	05/15/2008	Rossella Donadeo	FR920080071/CB (105097)	6319

78148 7590 08/01/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
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ART UNIT	PAPER NUMBER
2195	

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July 31, 2008

James M. Hannon
King & Spalding, LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521

In Rossella Donadeo Serial No.: 12/121,150 Filed: May 15, 2008 Docket: FR920080071/CB Title: METHOD AND SYSTEM FOR OPTIMIZING A JOB SCHEDULER IN AN OPERATING 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 May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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, and II6.1, II6.3-II6,4, and II6.6 above are met. However, the petition fails to comply with conditions II5.2, II6.2, and II6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

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.

In addition to the areas listed in the Preliminary Search Report, the following class/subclasses should be searched in order to encompass the broadest reasonable interpretation of the claimed invention:

718/104 as the claimed invention is directed toward resource allocation;
714/1 should be included to cover features relating to checking the health of the system before assigning the jobs to the system; and
709/226 should be included to cover features relating to monitoring the resource in the network environment.

In addition, the text search does not appear to cover all claimed features. For example, the search does not appear to have encompassed the claimed features of "analysis of job scheduling during predetermine time period if it expired" and of "using counters to keep track status of jobs as being submitted or processes". Most importantly it does not appear that claimed features relied upon for patentability has been encompassed individually in each source searched. For example, what strategy is used to search for the feature relating to a default analysis time period recited in feature b of claim 1? No synonyms appear to be used for the "health" of the system. These features are cited as examples only and Petitioner is reminded that the search is required to cover claimed features individually as well as in combination.

The following strategies are suggested as examples for some of the above listed features but are NOT intended to cover all deficiencies:

analy?3 near5((period or cycle) with(expire or overdue)) same (job or task or request); and

(track?3 or monitor?3) near5 (job or task)near 3 (status) same (counter).

Clarification and/or correction are required.

[1] MPEP 8th ed. rev 6 September 2007

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

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.2 above, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Section 9(B) discusses the relevance of references deemed by Petitioner as most closely related to the claimed invention. However, the discussion fails to specifically which if any of the claimed features are disclosed by the references. Correction is required

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Section 9(E) of the Examination Support Document fails to identify where support for **each limitation** may be found. Instead, a general allegation that support for the claimed invention may be found in paragraphs 28-41 and in Figures 1 and 3-6 is provided. 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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ATLANTA, GA 30309

EXAMINER
ZHE, MENG YAO

ART UNIT	PAPER NUMBER
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James M. Hannon
King & Spalding LLP
1180 Peachtree Street
Atlanta, GA 30309

In re Application of: Rossella Donadeo Serial No.: 12/121,150 Filed: May 15, 2008 Docket: FR920080071/CB (105097) Title: METHOD AND SYSTEM FOR OPTIMIZING A JOB SCHEDULER IN AN OPERATING 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 renewed petition filed on September 2, 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 May 15, 2008 was dismissed, in a decision mailed August 1, 2008, for failure: to search for individual features of the claim as well as a combination of features (item II5.2); to identify elements of the claimed invention disclosed by references deemed most closely related (item II6.2); and to provide a showing of where each claimed limitation finds support under 35 USC 112, first paragraph in the written description of the specification (item II6.5).

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

As part of the renewed petition a revised Statement of Preliminary Search is included. Section 8(A) indicates that the suggested class and subclasses were limited by a text search. As noted in MPEP 719.05, a classification search is a complete search of all documents in a particular subclass. Thus, it is clear that a complete search of the suggested class and subclasses was not performed.

In addition, the search strategies used do not appear to encompass all claimed features individually and in combination. While it appears that Petitioner incorporated the particular example put forth in the original decision, other claimed features, some of which are relied upon for patentability, do not appear to have been included. For example, search strategies used appear to include relating to use of both counters and for time periods. However, no strategy for searching features relating to use of a counter to analyze the system's health appears to have been conducted. Finally, the search for non-patent literature does not appear to have been updated.

The revised document states that no elements of the claimed invention are disclosed in cited references (item II6.2) and identifies the location of support for each element of the claimed invention (item II6.5).

Therefore, the revised Petition for Accelerated Examination submitted August 29, 2008 complies with items II 6.2 and II6.5 but fails to comply with item II.5.2.

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

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

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

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KILYK & BOWERSOX, P.L.L.C.
400 HOLIDAY COURT
SUITE 102
WARRENTON VA 20186

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OFFICE OF PETITIONS

In re Application of
Christopher Perry, Stuart Johns and Robert Cooper
Application No. 12/121,151
Filed: May 15, 2008
Attorney Docket No. 3597-172-01

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 24, 2008.

The petition is **GRANTED.**

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

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Christopher D. Perry
213 Salt Springs Road
Fayetteville, New York 13066

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DEC 0 8 2008
OFFICE OF PETITIONS

In re Application of
Christopher Perry, Stuart Johns and Robert Cooper
Application No. 12/121,151
Filed: May 15, 2008
Attorney Docket No. 3597-172-01

Dear Mr. Perry:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

cc: KILYK & BOWERSOX, P.L.L.C.
400 HOLIDAY COURT
SUITE 102
WARRENTON VA 20186

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,201	05/15/2008	Giuseppe Longobardi	FR920080059US1	6413

78754 7590 08/05/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
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Irvine, CA 92612

EXAMINER	
ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
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In re Application of: Giuseppe Longobardi Serial No.: 12/121,201 Filed: May 15, 2008 Attorney Docket No.: FR920080059US1 Title: METHOD AND APPARATUS FOR RECONFIGURABLE KEY POSITIONING ON A KEYBOARD	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(a).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The pre-examination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

6.3. a detailed explanation of how each of the claims 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; and

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

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.4; conditions II.6.4 and II.6.6 above. However, the petition does not meet conditions II.5, II.6.1-II.6.3 and II.6.5 above.

Regarding the conditions set forth in II.5.1 above, the field of search should properly include class 400, subclasses 489 and 472 to cover the subject matter being claimed.

Regarding the conditions set forth in II.6 above, the support document supplied by petitioner does not satisfy the requirements set forth in subsections 6.1, 6.2 and 6.3. The support document is required to discuss ***each reference*** cited on the IDS. The support document, however, discusses only three of the numerous references cited on the six-page IDS filed on May 15, 2008 and none of the references cited on the two-page IDS also filed on May 15, 2008. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. ***Accordingly, applicant should provide an IDS listing only the three discussed references and should identify the IDS as part of the AESD***. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. See "IDS 3" in "Accelerated Examination FAQ's" available on the USPTO website at www.uspto.gov/web/patents/accelerated/.

Regarding the condition set forth in II.6.2 above, the support document is required to identify all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The support document, however, fails to clearly identify the claim limitations that are disclosed by each of the references. For example, the support document states that "Hui appears to disclose a keyboard with keys whose locations can be reconfigured by sliding along a track." Firstly, the support document should distinguish between features that the reference discloses and features that it only appears to disclose, i.e., features that it only suggests. Secondly, the support document should clearly identify the claim limitations that correspond to those features. For example, the claim does not recite a "track" but does recite a "row frame" and a "column frame." It should be made clear whether the track disclosed by Hui comprises a "row frame" or "column frame" and whether it allows one or more keys to me moved and locked in position, as recited in the claim. Similarly, the support document should clearly identify the claim limitations that are disclosed by the other cited references and should specify where those limitations are disclosed in the references.

In addition, the support document is required to include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R.

§1.111(b) and (c). As set forth in §1.111(b), "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." The support document merely provides a general statement that the cited references fail to teach or suggest the claimed invention and does not include the identification of any specific claim limitation to support that position. Consequently, the support document fails to include a detailed explanation of how the claim is patentable over the cited references with the particularity required by 37 C.F.R. §1.111(b) and (c).

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where each limitation of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. While the support document indicates that support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraph [0003], paragraph [0003] is merely a summary of the invention. It provides no more support under 35 USC 112, first paragraph, than the claim itself. The "Showing of Support under 35 USC 112, First Paragraph" must show where adequate support under 35 USC 112, first paragraph, can be found in the specification for each claim limitation and not merely where mention of each claim limitation can be found in the specification.

Accordingly, the petition does not meet conditions II.5, II.6.1-II.6.3 and II.6.5 for the reasons cited 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 available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

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In re Application of: Giuseppe Longobardi Serial No.: 12/121,201 Filed: May 15, 2008 Attorney Docket No.: FR920080059US1 Title: METHOD AND APPARATUS FOR RECONFIGURABLE KEY POSITIONING ON A KEYBOARD	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 September 5, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

A petition to make special was filed in the above-identified application under 37 C.F.R. § 1.102(d) on May 15, 2008. The petition was dismissed in a decision dated August 5, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration. The renewed petition was timely filed on September 5, 2008.

The reasons for dismissal were: 1) an inadequate search (condition II.5.1); 2) a failure to discuss each reference cited on the IDS (condition II.6.1); 3) a failure to identify all the limitations in the claims that are disclosed by the references (condition II.6.2); 4) a failure to provide a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c); and 5) a failure to show where each claim limitation finds support under 35 USC 112, first paragraph, in the written description of the specification (condition II.6.5).

Although an improvement over the previous accelerated examination support document filed on May 15, 2008, the new support document filed on September 5, 2008 fails to correct the deficiencies of the previous examination support document.

As mentioned in the petition decision of August 5, 2008, the field of search by United States class and subclass should include Class 400, subclasses 489 and 472, to cover the subject matter being claimed. The latest pre-examination search document indicates that these subclasses were

searched ***using a particular search logic***, i.e., that a keyword search was conducted in these subclasses. While it appears that a ***text search*** was performed that was restricted to the subclasses, it is not evident that a ***classified search*** was conducted in these subclasses, i.e., that every patent in the subclasses were reviewed. Consequently, the search document fails to show that a ***classified search*** of US patents and published patent applications was performed in the Class and subclass where the claimed invention is most likely to be classified in the current United States Patent Classification system (USPC).

As mentioned in the petition decision of August 5, 2008, item 6.1 of the Conditions Regarding the Petition requires that the accelerated examination support document (AESD) discuss ***each reference*** cited on the IDS. Petitioner was advised to provide an IDS listing only the references discussed in the AESD and to identify the IDS as part of the AESD. In response, petitioner filed two "supplemental" IDS's on September 5, 2008, neither listing only the seven references discussed in the "updated" AESD and neither identified as part of the AESD. Consequently, ***each reference*** cited on an IDS has not been discussed in the AESD.

Regarding item 6.2 of Conditions Regarding the Petition, the latest support document appears to adequately identify claim limitations that are disclosed by each reference and indicate where the claim limitations are disclosed in each reference.

As mentioned in the petition decision of August 5, 2008, item 6.3 of the Conditions Regarding the Petition requires that the support document include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c). Petitioner was advised that a general allegation that the claim defines a patentable invention without specifically pointing out how the language of the claim patentably distinguishes it from the references does not comply with the requirements of §1.111(b). The revised support document submitted on September 5, 2008 provides only a general statement that the cited references fail to teach or suggest the claimed invention and does not include the identification of any specific claim limitation to support that position. Consequently, the support document fails to include a detailed explanation of how the claim is patentable over the cited references with the particularity required by 37 C.F.R. §1.111(b) and (c).

As also mentioned in the petition decision of August 5, 2008, item 6.5 of the Conditions Regarding the Petition requires a showing where ***each limitation*** of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. The support document indicates that support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraphs [0003], [0018], [0019] and [0023-0025] of the specification. The support document, however, does not identify any limitation of the claim and does not show where support for that particular limitation is found in the written description of the specification. Consequently, the support document fails to include a showing where ***each limitation*** of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. Merely citing several paragraphs of the specification and stating that support for the claim can be found there does not provide the specificity required by condition II.6.5.

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

JD/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,210	05/15/2008	John Paul CAMMARATA	RSW920080180US(1963-8011)	6436

79395 7590 09/12/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

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MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re Application of: John Paul Cammarata et al. Serial No.: 12/121,210 Filed: May 15, 2008 Docket: RSW920080180US(1963-8011) Title: AJAX PROXY INDIRECTION FOR EXTERNAL DOMAIN REQUESTS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,212	05/15/2008	LORENZO AMOROSA	FR920080089US1	6444

75339 7590 06/20/2008
PATENTS ON DEMAND, P.A.
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EXAMINER

ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
06/20/2008	PAPER

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JUN 19 2008

TECHNOLOGY CENTER 2100

PATENTS ON DEMAND, P.A.
4581 WESTON ROAD, SUITE 345
WESTON, FL 33331

In re application of Amorosa et al. Application No. 12/121,212 Filed: May 15, 2008 For: AUTOMATICALLY UPDATING RECORDS OF CORPORATE EXPENSE SYSTEMS USING CATEGORY SPECIFIC PAYMENT MECHANISMS BASED ON POINT OF SALE ACQUIRED DATA	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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, II.6.1, II.6.3 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 705/17. In order to comply with this requirement, follow the search template guidance provided by

http://www.uspto.gov/web/patents/searchtemplates/class705-015.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.

The text search is overly narrow. The whole search has been narrowed down to 133 references that have "travel" and "expenses" and "expense" near "report". These terms don't exist in the claim language. It is fine to use the intended use as a search string, but not as a complete search.

Broadest reasonable interpretation could be shown in a text search by the use of synonyms or the realization of inherent features. One example could be the use of the terms "electronic adj wallet" or "ewallet" or "e-wallet" as a synonym

for a "payment artifact", which can comprise a plurality of "payment artifacts" (see claim 2).

It might also be reasonable to search the temporally validity of the payment artifact as an independent feature, which may be obvious to add to another system for security reasons. Likewise, updating a corporate expense system might be an independent feature, which may be obvious to add to credit card (or the like) system that could delineate business expenses or even separate client expenses.

When applicant revises section 6.3, the claim features that applicant has deemed to read over the prior art should be specifically searched.

As a starting point for a possible search string for claim 1, the following is provided. Plurals on.

Line 1 updat$ same ((business or corporate or client) near5 (expense or expenditure))
Line 2 payment near3 approv$
Line 3 L2 near5 expir$
Line 4 (electronic adj wallet) or (e-wallet)
Line 5 business same personal
Line 6 L4 and L5 or L4 same L5
Line 7 L4 and L1
Line 8 L4 and L3

This is just a sample search and copying this search will not comply with the requirement. It is assumed that an actual search would be customized for each independent claim, would include separate searches for dependent limitations for obviousness consideration and would 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/

As per conditions II.6.1 and II.6.2, 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 and 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.

Applicant has provided a single IDS and has chosen one reference deemed most closely related to the subject and has identified the claim limitations disclosed by the one reference. All the references in the IDS supporting the petition must be cited for the claim limitations that are disclosed in order to be compliant.

In order to comply, applicant may do either of the following:

1) Submit two separate IDSs. One clearly marked as the IDS in support of the petition with the reference or references which have been deemed most closely related to the subject matter. Condition II.6.2 will be met if each reference in this IDS is discussed. The second IDS, not in support of the petition, will be submitted per applicant's duty to disclose related prior art.

2) Append section 9 (B) of applicant's AE support document to incorporate each reference in the current IDS.
See http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf, question IDS 3. for more guidance.

For condition II.6.3, a detailed explanation of how each of the claims is patentable over the references cited with particularity is required. Applicant does not show how the claim language overcomes the prior art. The only quoted part of the claim is well known, as evidenced by "commercial-off-the-shelf". To meet this requirement, applicant must identify the actual claim language that reads over the prior art.

For condition II.6.5, an accelerated examination support document must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification.

There are two issues with applicant's attempt to meet this requirement. One is that the each limitation should be addressed, not a lumping of all the limitations. Second is that the mere rewriting or paraphrasing of the claim language does not meet the written description requirement.

Per MPEP 2163, "The 'written description' requirement implements the principle that a patent must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the patent is based, and to demonstrate that the patentee was in possession of the invention that is claimed." *Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1084 (Fed. Cir. 2005). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas <u>that fully set forth</u> the claimed invention. *Lockwood v. American Airlines, Inc.,* 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). The citation of the mere copying of the exact claim language into the specification does not comply with the requirement.

In order to comply with the II.6.5 requirement, one must show the portions of the specification that disclose that applicant was in possession of the claimed invention. For example, in the instant application, claim 1, first limitation,

"establishing at least one payment artifact having credit allocations specifically associated with an expense category of a corporate expense management system"	paragraph [0022] and figure 1, items 105, 130 and table 136

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/06/16/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,212	05/15/2008	LORENZO AMOROSA	FR920080089US1	6444

75339 7590 08/14/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
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EXAMINER

ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

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4581 WESTON ROAD
SUITE 345
WESTON FL 33331

In re application of
AMOROSA et al.
Application No. 12/121,212
Filed: May 15, 2008
For: AUTOMATICALLY UPDATING RECORDS OF CORPORATE EXPENSE SYSTEMS USING CATEGORY SPECIFIC PAYMENT MECHANISMS BASED ON POINT OF SALE ACQUIRED DATA

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on July 21, 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 May 15, 2008. That petition was dismissed in a decision mailed June 20, 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 July 21, 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 July 21, 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 a 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
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
PR Newswire
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts
Wilson Applied Science & Technology Abstracts

It is noted that the nature of business methods applications requires a thorough search in non-patent literature pertinent to the features of the invention. The Dialog databases listed in the search templates have been grouped according to their business and technology-related content and identified as having subject matter relevant and pertinent to their associated USPTO classification. As such, a search of the databases identified in the template associated with the classification of the invention is considered an important search. Since it appears that applicant only searched a couple of databases from the over 30 databases listed in the search template, Condition II.5.1 has not been met.

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 Robert Weinhardt at (571) 272-6633 or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/8/13/08

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YORKTOWN HEIGHTS NY 10598

MAILED

JUL 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Russell A. Budd et al	:	
Application No. 12/121,236	:	DECISION ON PETITION
Filed: May 15, 2008	:	
Attorney Docket No.	:	
YOR920080102US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 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 the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed January 7, 2010, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,265	05/15/2008	Steven Joseph Stiert	POU920080153US1 - 163-256	6538

49267 7590 10/20/2008
KEUSEY, TUTUNJIAN & BITETTO, P.C.
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WOODBURY, NY 11797

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
10/20/2008	PAPER

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20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY NY 11797

In re Application of: Steven Joseph STIERT Serial No.: 12/121,265 Filed: May 15, 2008 Docket: POU920080153US1 - 163-256 Title: METHOD AND SYSTEM FOR DETECTING AND DETERRING ROBOT ACCESS OF WEB-BASED INTERFACES BY USING MINIMUM EXPECTED HUMAN RESPONSE TIME	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/Kim Huynh/

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Computer Architecture, Software and Information Security

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		Confirmation Number		Filing Date	
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor					
Title of Invention					

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

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

Select (1) or (2) :

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

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

Signature		Date (YYYY-MM-DD)	
Name		Registration Number	

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.

Received 05/13/2008 01:15PM in 01:06 on line [0] for ADMINISTRATOR * Pg 1/1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	Not Yet Assigned
Filing Date:	Herewith
Applicant(s):	Gonzalez-Hernandez, Eduardo et al.
Entitled:	SOFT TISUE ATTACHMENT SYSTEM AND CLIP
Examiner:	Not Yet Assigned
Group Art Unit:	Not Yet Assigned
Attorney Docket No.:	1114.695U

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

DECLARATION UNDER 37 CFR 1.102(c)(1)

Sir:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I James E. Leone, residing at 5865 SW 106th street, Miami, Florida 33158 am over the age of 65.

Respectfully submitted,

Date: May 13, 2008

James E. Leone

James E. Leone

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FELDMANGLE, P.A.
ONE BISCAYNE TOWER,
30TH FLOOR, 2 SOUTH
BISCAYNE BOULEVARD
MIAMI, FL 33131-4332

COPY MAILED

JUN 24 2008

OFFICE OF PETITIONS

In re Application of	
Eduardo GONZALEZ-HERNANDEZ, et al	
Application No. 12/121,269	DECISION ON PETITION
Filed: May 15, 2008	TO MAKE SPECIAL UNDER
Attorney Docket No. 1114-695U	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 15, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant James E. Leone. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 3733 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FELDMAN GALE, P.A.
1700 MARKET STREET
SUITE 3130
PHILADELPHIA PA 19103

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of :

GONZALEZ-HERNANDEZ, Eduardo et al. :
Application No. 12/121,269 : DECISION ON PETITION
Filed: May 15, 2008 : TO WITHDRAW
Attorney Docket No. **1114.MGHM0003U** : 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 08, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Cesarano on behalf of all attorneys of record who are associated with customer No. 44338. All attorneys/agents associated with the Customer Number 44338 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 Eduardo Gonzalez-Hernandez at the address indicated below.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **EDUARDO GONZALEZ-HERNANDEZ**
3773 MATHESON AVENUE
COCONUT GROVE FL 33133

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

JAN 29 2009

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	:	
SHOJI, MAMORU, et al.	:	DECISION ON REQUEST TO
Application No. 12/121,271	:	PARTICIPATE IN PATENT
Filed: May 15, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2008_0867	:	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 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 JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine CA 92612

MAIL

JUL 10 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Scot MACLELLAN et al.
Serial No.: 12/121272
Filed: May 15, 2008

Title: **METHOD AND APPARATUS FOR CONTEXT-SENSITIVE EXCHANGE OF ELECTRONIC INFORMATION**

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete. A Notice to File Corrected Application Papers was mailed on May 21, 2008 due to a substitute specification in compliance with 37 CFR 1.121(b)(3) and 37 CFR 1.125 and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) being required

Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

Eileen Lillis
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,285	05/15/2008	Fang Lu	AU920080334US1 (163-253)	6579

49267 7590 10/22/2008
KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
10/22/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 22 2008

TECHNOLOGY CENTER 2100

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

In re Application of: Fang LU, et al.
Serial No.: 12/121,285
Filed: May 15, 2008
Docket: GB920080093US1
Title: SYSTEM AND METHOD FOR COMPREHENSIVE AUTOMATIC COLOR CUSTOMIZATION IN AN EMAIL MESSAGE BASED ON CULTURAL PERSPECTIVE

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1 to II.4 above are considered to have been met. However, the petition fails to comply with conditions II.5 and II.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

Regarding the requirements of section II , element 5 outlined above, the followings discrepancies are noted:

For the classification search, the petitioner indicates the following classes and subclasses were searched on May 12, 2008:

345/88, 102, 589, 690, 752, 733, 744, 747
358/1.9, 500
709/204, 206, 207, 245
707/500, 501.1, 513, 526, 529, 530, 531

However, class/subclasses 345/733, 744, 747, 752; 358/1.9; and 707/500, 501.1, 513, 526, 529, 530, 531 **do not exist** on the USPTO classification schedule. Clarification/correction is required.

The remaining valid class/subclasses contain over 17,000 references. MPEP 719.05 states that a *classification search* is defined as a complete search of all the documents in a particular subclass, and it is not limited by any text query or other means. Petitioner should clarify whether all references in the class/subclasses were reviewed, or the classification search was limited by any the text search logic; and if so, how and what specific search logic combination was used.

Petitioner also indicate "Internet" as a database service, note internet is not a database service. Specific database or search resource is required.

As for the foreign patent document search (EPO, Espacenet), the search logic is not similar to that provided for the US patents and published patent application search as required by the guidelines. Correction/clarification required.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers and *as opposed to* the disclosure of the required claim limitations, addressed individually for each limitation in the claim. The requirement of section II element 6.5 can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") **and** by indicating where the instant application teaches each

discrete limitation (without bundling limitations together to the extent possible) in the claim, by indicating the element number and/or the relevant page and line numbers. Corrections required.

DECISION

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

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

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

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

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/Kim Huynh/

Kim Huynh, Quality Assurance Specialist
Technology Center 2400
Computer Architecture, Software and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,285	05/15/2008	Fang Lu	AUS920080334US1 (163-253)	6579

49267 7590 12/18/2008
KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
12/18/2008	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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TECHNOLOGY CENTER 2100

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

In re Application of: LU, Fang, et. al.
Serial No.: 12/121,285
Filed: May 15, 2008
Docket: AUS920080334US1 (163-253)
Title: SYSTEM AND METHOD FOR COMPREHENSIVE AUTOMATIC COLOR CUSTOMIZATION IN AN EMAIL MESSAGE BASED ON CULTURAL PERSPECTIVE

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 renew petition filed on November 21, 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 May 15, 2008 was dismissed in a decision mailed on October 22, 2008.

Updated Pre-examination Search Document (PESD) including recommended (i) U.S. Class/subclass field of search excluding previously identified non-existed class/subclass(es) and (ii) additional search terms is **acknowledged**. Two newly submitted IDS, one citing references **not** in support of Petition for Accelerated Examination and another in support of Petition for Accelerated Examination is also **acknowledged**.

Updated/supplemental searches resulted in the finding of: (i) seven additional newly cited references listed on the supplemental IDS *not in support* of the AESD Petition to make special; and (ii) three additional newly cited references deemed closely relevant to the claimed subject matter and listed on the supplemental IDS *in support* of the AESD Petition to make special. Clarification on database service now specifically identified as MSN database service is **acknowledged**. Newly (additional) cited references deemed most closely related to the subject matter of each of the claims and pertinent section 9(B) discussion is **acknowledged**. Updated AESD section 9(E) now showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification is also **acknowledged**.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice

for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

/bp/

/Kim Huynh/

Kim Huynh, Quality Assurance Specialist
Technology Center 2400,
Computer Architecture, Software and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,317	05/15/2008	H. Bryan Brewer, Jr.	44378-356460 (0471)	6639

23370 7590 07/14/2008
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
1646	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

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

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

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JUL 1 4 2008

Kilpatrick Stockton LLP.
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530

In re Application of: H. Bryan Brewer Jr.
Serial No.:12121317
Filed: May 15, 2008
Docket No.: 44378-356460 (0471 US)
Title: Novel Peptides that Promote Lipid Efflux

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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 Dave Nguyen, Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen, Quality Assurance Specialist
Technology Center 1600

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JUL 15 2008

Kilpatrick Stockton LLP.
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530

In re Application of: H. Bryan Brewer Jr.
Serial No.:12121317
Filed: May 15, 2008
Docket No.: 44378-356460 (0471 US)
Title: Novel Peptides that Promote Lipid Efflux

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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 Dave Nguyen, Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,367	05/15/2008	Steven J. Branda	ROC920080011US1	6735

59452 7590 08/01/2008
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

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ART UNIT	PAPER NUMBER
2195	

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

Robert E. Stachler II
1180 Peachtree St. NW
Atlanta, GA 30309

In re Application of:
Stven J. Branda et al.
Serial No.: 12/121,367
Filed: May 15, 2008
Docket: ROC920080011US1
Title: SYSTEM AND METHOD FOR PROGRAMMATIC DISTRIBUTED TRANSACTION COMMIT PRIORITIZATION MECHANISM

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II.6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

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

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

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

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

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

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

within this non-extendible period for reply will result in the abandonment of the application.

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

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

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

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

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

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

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

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

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

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

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

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

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,373	05/15/2008	JOHN ATKINSON FIFIELD	BUR9-07-0243US2	6745

77350 7590 11/10/2008
JACKSON PATENT LAW OFFICE
211 N. UNION STREET
SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
CHO, JAMES HYONCHOL

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

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ALEXANDRIA, VA 22314

In re Application of:
John Fifield al.
Serial No.: 12/121,373
Filed: May 15, 2008
Attorney Docket No.: BUR9-07-0243US2
Title: DESIGN STRUCTURE FOR SYSTEMS AND METHODS OF MANAGING A SET OF PROGRAMMABLE FUSES ON AN INTEGRATED CIRCUIT

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(a).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The pre-examination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

6.3. a detailed explanation of how each of the claims 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; and

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

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.4; and conditions II.6.1, II.6.2, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.5, II.6.3 and II.6.5 above.

Regarding the conditions set forth in II.5 above, the field of search should properly include Class 326, subclasses 49 and 16, to cover the broad subject matter being claimed.

Regarding the condition set forth in II.6.3 above, the petition does not include a detailed explanation of how the claim is patentable over the cited references with the particularity required by 37 C.F.R. §1.111(b) and (c). Petitioner states that "Anand et al. may disclose most of Applicants' claimed invention, but there is no suggestion to modify their voltage selector circuitry 300 to achieve Applicant's claim 1." Such explanation lacks the particularity required by 37 C.F.R. §1.111(b) and (c). It is not clear from petitioner's statement (1) why modification of the voltage selector circuitry 300 of Anand et al. is required to achieve the claimed invention, i.e., what difference there is between the claimed invention and the prior art; and (2) why it would not have been obvious to modify the voltage selector circuitry 300 of Anand et al. to achieve the claimed invention in view of the combined teachings of the prior art. Petitioner states that "even if Anand et al. were combinable with one of the multiplexor references such as Briggs, Dingwall, Merandat, or Chun, the attempted combination would not suggest Applicants' claimed invention, including the interrelation of the fuses with the switch control input." It is not clear from petitioner's statement that one difference between the claimed invention and the prior art consists in providing the voltage selector circuitry 300 of Anand et al. with a multiplexer. Nor is it clear that an "interrelation of the fuses with the switch control input" is being claimed. Finally, the petition fails to explain why the claimed invention is patentable over the references to Graves and Osada et al., either individually or in combination with the other cited references. For these reasons, the petition does not meet the requirement of subsection 6.3.

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where each limitation of the claim finds support under 35 USC 112, first paragraph, in the written description of the specification. In particular, the support document indicates that support for "a voltage divider having a voltage input, a voltage output, and a control input" may be found at Fig. 2, disclosing DAC 60. However, a DAC is not normally considered to be "a voltage divider having a voltage input, a voltage output, and a control input." Consequently, mere reference to a DAC does not specifically show where the claim limitation finds adequate support under 35 USC 112, first paragraph. In addition, the support document does not specifically show where support for "a multiplexer configured to selectively couple the voltage input to the first node or the second node" is found in the written description of the specification. Finally, the accelerated examination support document is required to show where each limitation of the claims finds support under 35 USC 112, first paragraph, in each application for which benefit under title 35, United States Code, is claimed. The examination support document supplied by the petitioner, however, does not show where

each limitation of the claims finds support under 35 USC 112, first paragraph, in Application No. 12/103,519 for which benefit under title 35, United States Code, is claimed.

Accordingly, the petition does not meet conditions II.5, II.6.3 and II.6.5 for the reason cited 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 available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,373	05/15/2008	JOHN ATKINSON FIFIELD	BUR9-07-0243US2	6745

77350 7590 12/23/2008
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ALEXANDRIA, VA 22314

EXAMINER
CHO, JAMES HYONCHOL

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

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In re Application of: John Fifield et al. Serial No.: 12/121,373 Filed: May 15, 2008 Docket No.: BUR9-07-0243US2 Title: DESIGN STRUCTURE FOR SYSTEMS AND METHODS OF MANAGING A SET OF PROGRAMMABLE FUSES ON AN INTEGRATED CIRCUIT	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 4, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

JD/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,378	05/15/2008	Hakeem B.S. Akinmade-Yusuff	FIS920080187US1 (163-254)	6752

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

EXAMINER

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
06/18/2008	PAPER

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WOODBURY, NY 11797

In re Application of: Hakeem B.S. Akinmade-Yusuff et al. Serial No.: 12/121,378 Filed: May 15, 2008 Docket: FIS920080187US1 (163-254) Title: DAMASCENE WIRING FABRICATION METHODS INCORPORATING DIELECTRIC CAP ETCH PROCESS WITH HARD MASK RETENTION	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 15, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed;

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

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

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

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

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

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

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

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5; II.6.1 through 6.4 and II.6.6 above. However, the petition does not meet conditions II.6.5 above.

Regarding condition set forth in II.6.5 above, the examination support document must point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In the instant petition, the examination support document only refers to where support for claim 1, the sole claim, is found in the specification but does not show where support of each limitation in the claims is found. Specifically, it is stated "[s]upport in the disclosure under 35 USC 112, first paragraph, for the subject matter of claim 1 is clearly found in FIGs. 1-7 of the application (and corresponding text), wherein the FIGs. 1-7 schematically illustrate the claimed process step." The quoted statement lacks the specificity required because it fails to point out where the support for each limitation of the claim is found. Accordingly, the petition fails to meet conditions II.6.5 above for special status.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,378	05/15/2008	Hakeem B.S. Akinmade-Yusuff	FIS920080187US1 (163-254)	6752

49267 7590 07/31/2008
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EXAMINER
FULK, STEVEN J

ART UNIT	PAPER NUMBER
2891	

MAIL DATE	DELIVERY MODE
07/31/2008	PAPER

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WOODBURY, NY 11797

In re Application of: Hakeem B.S. Akinmade-Yusuff et al. Serial No.: 12/121,378 Filed: May 15, 2008 Docket: FIS920080187US1 (163-254) Title: DAMASCENE WIRING FABRICATION METHODS INCORPORATING DIELECTRIC CAP ETCH PROCESS WITH HARD MASK RETENTION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a reply to the "Request for Reconsideration of Decision to Dismiss Petition to Make Special" filed July 1, 2008, requesting reconsideration of the previous decision of June 18, 2008, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed May 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 M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Henhy Phan

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of Karelin et al. :
Application No. 12/121,403 :
Filing Date: May 15, 2008 :
Attorney Docket No. MTV-009 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2009, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed August 6, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on October 9, 2008. A Notice of Abandonment was mailed on April 10, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice to File Corrected Application Papers. Petitioner has submitted the petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The petition is signed by Attorney Patrick Myers who was not an attorney of record at the time the application became abandoned. Therefore, it appears Attorney Myers may not have been in a position to have firsthand or direct knowledge of the facts and circumstances of the delay.

Nevertheless, the statement by Attorney Myers that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,419	05/15/2008	ANTHONY J. BYBELL	RPS920080097US1 (105096)	6847

78148 7590 08/04/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

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

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

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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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

In re Application of: Anthony J. Bybell et al. Serial No.: 12/121,419 Attorney Docket No.: RPS920080097US1 Filed: May 15, 2008 Title: SYSTEM AND METHOD TO ENFORCE ALLOWABLE HARDWARE CONFIGURATIONS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02(a)

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323) and M.P.E.P. §708.02(a), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 C.F.R. § 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. 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 37 C.F.R. § 1.102(d) because it was not complete under 37 C.F.R. § 1.51 and in condition for examination at the time of filing. The application was filed without an oath or declaration in compliance with 37 C.F.R. § 1.63. A Notice of Informal Application was mailed on May 23, 2008, to require the

filing of a proper oath or a declaration in compliance with 37 C.F.R. § 1.63. A review of the application record reveals that the submitted declaration does not identify the residence and mailing address of each inventor, and such information was not supplied on an application data sheet in accordance with 37 C.F.R. § 1.76. The lack of a proper declaration 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) 272-1606.

Hien H. Phan, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,423	05/15/2008	Steven J. Branda	ROC920080173US1	6861

59452 7590 07/21/2008
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
07/21/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert E. Stachler III
CANTOR COLBURN LLP-IBM Rochester Division
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
BRANDA et. al.
Serial No.: 12/121423
Filed: May 15, 2008
Docket: **ROC920080173US1**
For: **SYSTEM AND METHOD FOR RUNTIME PROGRAMMATIC DISTRIBUTED TRANSACTION COMMIT PRIORITIZATION MECHANISM**

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

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

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

The following employs EAST syntax except that suggested search terms are here surrounded by curly brackets. Adapt as necessary to other search syntax. If a connector is not specified, the use of "OR" may be assumed.

To more completely capture prior art, it is suggested that the following enhancement be made to certain search terms:

- To uncover additional art relating to transactions that continue and roll back different parts of the transaction, additionally search {background asynchronous adaptive planned}
- To better uncover terms related to "priority" and "prioritize", search additionally {rank$4 priorit$4 grad$4 prioritize}
- Additionally, to uncover prior art that might be ranking/prioritizing without calling it such, {compare$5 contrast$4 evaluat$5 match$4 equat$5 subtract$4 calculat$4}

It is suggested that a search also include certain classes that were omitted from the original search. Some suggestions for addition to the scope of the search are 709/217-219 (remote data accessing, generally and using networks and servers) and 718/100 (virtual machine task or process management), 718/105 (load balancing) and 718/107 (multitasking/time-sharing).

Regarding the requirement of MPEP §708.02(a)(I.)(I)(3) and item II 6.3 above, the accelerated examination support document does not provide a detailed explanation, with particularity required by 37 CFR 1.111(b) and (c), regarding patentability of the claims over the references cited. Specifically:

- This petition claims that prioritization of "sub-transactions" is neither disclosed nor suggested by the prior art, relying on the assertion that Kuhn does not disclose prioritization of sub-transactions below the top level. This

[1] MPEP 8th ed. rev 6 September 2007

petition fails to explain how the disclosure of prioritizing of sub-transactions in Kuhn (Description column 6, lines 22, 47) is substantially different from a disclosure of prioritized sub-transactions that have been nested in other sub-transactions. Specifically, this petition fails to show how prior art disclosing nested transactions does not inherently disclose multiple levels of nesting, as claimed in the petition.

- This petition fails to explain how the set of priorities consisting of {critical, best effort, not needed} is not substantially the same as the "weak" and "classical" commitment/rollback models disclosed by Kuhn (Description, column 6, lines 41-56). Particularly, there is no explanation of how the "weak form of the commitment function" disclosed by Kuhn (Description, column 6, lines 41-56) does not inherently encompass both the "best effort" and "not needed" levels of "criticality" disclosed in this patent application. The Explanation of Patentability should not rely upon lexical differences over prior art but should particularly explain how the underlying concepts differ.

Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

DECISION

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

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

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

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

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

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.
12/121,423	05/15/2008	Steven J. Branda	ROC920080173US1	6861

59452 7590 09/25/2008
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

NOTIFICATION DATE	DELIVERY MODE
09/25/2008	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):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, DC 20231
www.uspto.gov

Robert E. Stachler III
CANTOR COLBURN LLP-IBM Rochester Division
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
BRANDA et. al.
Serial No.: 12/121423
Filed: May 15, 2008
Docket: **ROC920080173US1**
For: **SYSTEM AND METHOD FOR RUNTIME PROGRAMMATIC DISTRIBUTED TRANSACTION COMMIT PRIORITIZATION MECHANISM**

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 21, 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 May 15, 2008 was dismissed in the decision mailed on July 21, 2008.

The renew petition to make the application special is **GRANTED** as the new Search Document meets the requirements of condition II 5.2 and the new Examination support documents meets the requirements of condition II 6.3 that were deficient in the original petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OIPE IAP37
JUN 27 2008
PATENT & TRADEMARK OFFICE

Atty. Dkt. No. 029318-1778

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elaine LIVERSIDGE et al.
Title:	NANOPARTICULATE COMPOSITIONS OF IMMUNOSUPPRESSIVE AGENTS
Appl. No.:	12/121,443
Filing Date:	May 15, 2008
Examiner:	Unassigned
Art Unit:	Unassigned
Confirmation No.:	6887

Refund Ref:
03/09/2009 0030067464
Credit Card Refund Total: $400.00
VISA....: XXXXXXXXXXXX8142

PETITION TO ACCORD FILING DATE UNDER 37 C.F.R. §§ 1.57(a) & 1.182

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In reply to the Notice of Incomplete Nonprovisional Application ("the Notice"), mailed June 5, 2008 (copy attached), Applicants respectfully petition the Director to accord to the present continuation application a filing date of May 15, 2008.

As shown on the attached Electronic Acknowledgement Receipt, the captioned continuation application was filed on May 15, 2008. According to the Notice, the continuation application was incomplete for failure to include the drawing.

A. Drawing – Petition Under 37 C.F.R. § 1.57(a)

The sole drawing of the application, Figure 1, was inadvertently omitted from the application when it was filed on May 15, 2008.

06/30/2008 JADDO1 00000055 12121443
01 FC:1462 400.00 OP

Adjustment date: 03/09/2009 CKHLOK
06/30/2008 JADDO1 00000055 12121443
01 FC:1462 -400.00 OP

If there are any questions surrounding this submission, the Patent Office is invited to contact the undersigned attorney at the telephone number set forth below.

The Commissioner is hereby authorized to charge any additional fees which may be required for this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: June 27, 2008

By Michele M. Simkin

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicants
Registration No. 34,717

Attachments: Copy of Notice of Incomplete Nonprovisional Application
Electronic Acknowledgment Receipt of May 15, 2008 filing
Preliminary Amendment

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: _____ 2 Serial/Patent # 12/121 443

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
✓	Petition			$ 400.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 400.00

8 TO BE REFUNDED BY:

Treasury Check CREDIT CARD

Credit Deposit A/C #:

9 [illegible]

10 REASON:

	Overpayment
	Duplicate Payment
✓	No Fee Due (Explanation):

method do present

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: gillon TITLE: atty

SIGNATURE: /John Gillon/ PHONE: 23214

OFFICE: OP

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhlok DATE: 3/9/09

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Crystal Park One, Room 802B

FORM PTO 1577
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ELAN DRUG DELIVERY, INC.
C/O FOLEY & LARDNER
3000 K STREET, N.W.
SUITE 500
WASHINGTON DC 20007-5109

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MAR 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Liversidge, et al.	:	
Application No. 12/121,443	:	DECISION
Filed/Deposited: 15 May, 2008	:	
Attorney Docket No. 029318-1778	:	

This is a decision on the petition filed 27 June, 2008, seeking to have accorded a filing date of 15 May, 2008, for the above-identified application based upon a showing that the omitted drawing/figure was present in the prior-filed co-pending nonprovisional application to which this application claimed benefit (under 37 C.F.R. §1.78) on filing.

For the reasons stated herein, the petition is **DISMISSED**.

Application papers in the above-identified application were deposited on 15 May, 2008.

On 5 June, 2008, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence). The Office indicated that Petitioner could demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings/figures and accept the date of submission as the filing date. The Office gave Petitioner two (2) months within which to reply.

On 27 June, 2008, Petitioner filed, *inter alia*, the instant petition with fee, and amendment and 1 sheet of drawings, FIG. 1, averred to be a copy from the parent of the previously omitted drawing FIG. 1, from the parent/previously-filed Nonprovisional Application No. 11/592,189 (the '189 application), filed on 3 November, 2006, to which application a priority claim was made in the instant application.

Petitioner asserts that the drawing/figures were inadvertently omitted from the instant application; and points to the prior filed Application No. 11/592,189 (the '189 application), and

now seeks to obtain an incorporation by reference herein under the provisions of 37 C.F.R. §1.57(a). Petitioner appears to have filed an amendment under the rule.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method/process/composition claim. MPEP §601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. §113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to §601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

The express incorporation by reference entitled Petitioner to file an amendment under 37 C.F.R. §1.57(b) to add the subject matter of the non-provisional application into the disclosure of this application. Please note that no petition is required for that purpose and that the amendment must comply with 37 C.F.R. §1.57(b) and 37 C.F.R. §1.121 (*See*: MPEP §201.06(c)(IV).) Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

The Petition fee is waived and is refunded via credit card. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to 15 May, 2008**;
- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **issuance of a filing receipt.**

It is also noted that the drawing filed on 27 June, 2008, are not considered to be an amendment to the application and are not in compliance with 37 C.F.R. §1.121. (*See*: *inter alia*, 37 C.F.R. §1.121(d).) However, when Petitioner submits an amendment to enter drawings into this application, entry of that amendment will be determined by the Examiner.

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214.

Anthony Knight
Supervisor
Office of Petitions

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CHICAGO, IL 60610

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Paul, Ram H. Jr.	:	TO WITHDRAW
Application No. 12/121,453	:	FROM RECORD
Filed: May 15, 2008	:	
Attorney Docket No. 1000-310	:	

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 14, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 48003 was revoked by the assignee of the patent application on January 26, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: BUCHANAN INTELLECTUAL PROPERTY OFFICE LLC
P.O. BOX 700
PERRYSBURG OH 43552-0700

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Paper No.

MH2 TECHNOLOGY LAW GROUP
(Cust. No. w/NewMarket)
1951 KIDWELL DRIVE
SUITE 550
TYSONS CORNER VA 22182

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NOV 24 2008

In re Application of	:	
Vincent Gatto	:	ON PETITION
Application No. 12/121,462	:	
Filed: May 15, 2008	:	
Atty Docket No. 0013.0006-01	:	

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND PETITION UNDER 37 C.F.R. §1.57(a)" filed June 18, 2008, requesting that the above-referenced application be granted a filing date of May 15, 2008, pursuant to the provisions of 37 CFR 1.57(a). This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

To the extent the instant petition requests a filing date of May 15, 2008 with no drawings present in the application, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on May 15, 2008. However, on May 30, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

because the application was deposited without drawings. In addition, the application was missing an oath or declaration. In response, applicants timely filed this petition. Applicants state that figures 1 and 2 were inadvertently omitted from the application on filing. Applicants state that the above-identified application is a divisional of application No. 10/970,743 and incorporates by reference the parent application. Further, applicants state that the inadvertently omitted drawings are completely contained in the prior-filed application. Applicants request that the claim under 37 CFR 1.78 be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted drawings. The petition includes the omitted drawings. However, the petition does not include a separate amendment submitting the omitted drawings.

Applicant's arguments and evidence have been considered. A review of the application as filed reveals that it includes a claim under 37 CFR 1.78 for the benefit of prior-filed nonprovisional application No. 10/970,743. In addition, the parent application is incorporated by reference in its entirety. As stated previously, the petition fails to include the amendment required by 37 CFR 1.57(a).

Nonetheless, it is controlling that a review of the application confirms that as filed the application contained at least one process claim and at least one composition claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required. An amendment directed to the examiner to include the inadvertently omitted drawings must be filed to include the inadvertently omitted drawings.

To the extent the instant petition requests a filing date of May 15, 2008 with no drawings present in the application, the petition is granted.

Given the basis for granting this petition, the petition fee is being refunded to Deposit Account No. 50-2961, as authorized.

The Office of Patent Application Processing (OPAP) has been advised of this decision. Pursuant to this decision, the application has been referred to the Office of Patent Application Processing for:

- **correction of the filing date to May 15, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing;**
- **for processing of the declaration filed June 18, 2008**; and
- **for issuance of a filing receipt.**

Entry of any amendment will be determined by the examiner. In this regard, it is noted that the requirements of 37 CFR 1.57(a) have been met. In addition, the disclosure of the prior-filed application was explicitly incorporated by reference on filing of the application. See 37 CFR 1.182. An amendment to enter drawings properly incorporated by reference pursuant to 37 CFR 1.57(a) or 37 CFR 1.182 does not raise a new matter issue with respect to those drawings.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Anthony Knight
Supervisor
Office of Petitions

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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 SHOJI, MAMORU, et al. Application No. 12/121,506 Filed: May 15, 2008 Attorney Docket No. 2008_0868	: : : : : : :	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 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 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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Alexandria, VA 22313-1450
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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

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DEC 17 2008

In re Application of :
Dubois and Drake :
Application No. 12/121,507 :
Filed: May 15, 2008 :
Attorney Docket No. TA-00962 :
For: Block-Terminated Fiber for Laser :
Generation of Ultrasonic Waves :

Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) filed July 25, 2008, and supplemented October 3, 2008.

The petition is **granted**.

The Petition:

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

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

Fees:

35 USC 111(a)(4) sets forth that, when an applicant receives notice to file an oath or declaration, but does not supply the missing oath or declaration, the application becomes abandoned by operation of the law. The mere filing of a petition under 37 CFR 1.47 does not change this result. A petition under 37 CFR 1.47 requires an oath or declaration as a component of the petition. See 37 CFR 1.47. Neither an oath nor a declaration was filed with the petition on July 25, 2008. Therefore, the application would normally be abandoned. However, a declaration was filed on October 3, 2008. Therefore, a proper reply was in the Office as of October 3, 2008. A three-month extension of time fee of $1,110 has been charged to petitioner's deposit account in order to make the declaration filed October 3, 2008 timely.

The required fee of $200 for the petition under 37 CFR 1.47 has also been charged to petitioner's deposit account.

Technology Center Art Unit 2883 will be informed the declaration filed October 3, 2008, is acceptable without the signature of inventor Dubois in order to ensure the Art Unit is aware the application is in condition 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,512	05/15/2008	Chad Allen Adams	ROC920080264US1	7003

78754 7590 07/28/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine, CA 92612

EXAMINER

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

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

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

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

In re Application of: Chad Allen Adams et al. Serial No.: 12/121512 Filed: May 15, 2008 Docket: ROC920080264US1 Title: METHOD AND APPARATUS FOR TESTING A RANDOM ACCESS MEMORY DEVICE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because 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 May 23, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

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

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

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist

Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,522	05/15/2008	Douglas A. Wood	1041.002	7016

79464 7590 07/28/2008
Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

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

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

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Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

In re Application of: Douglas A. Wood et al. Serial No.: 12/121522 Filed: May 15, 2008 Docket: 1041.002 Title: METHOD FOR MANAGING INSTANT MESSAGING PRESENCE BY GROUP	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because 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 of Informal Application Papers on May 23, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

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

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

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist

Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,522	05/15/2008	Douglas A. Wood	1041.002	7016

79464 7590 12/01/2008
Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
12/01/2008	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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Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

In re Application of: Douglas A. Wood et al. Serial No.: 12/121,522 Filed: May 15, 2008 Docket: 1041.002 Title: METHOD FOR MANAGING INSTANT MESSAGING PRESENCE BY GROUP	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration of decision on Petition to Make Special filed on July 31, 2008. The original petition, submitted on May 15, 2008 was denied in the decision mailed on July 28, 2008.

Background

The above-identified application was filed under 35 U.S.C. § 111(a) on May 15, 2008 accompanied by a petition under 37 CFR 1.102(d) to make the application special under the accelerated examination program. See 71 Fed. Reg. 36,323. The application included an oath which did not identify the inventor's residence in compliance with 37 C. F. R. § 1.63.

On May 23, 2008, the United States Patent and Trademark Office (USPTO) issued a Notice of Informal Application. The Notice indicated that the oath or declaration did not comply with 37 C. F. R. § 1.63 in that it did not identify each inventor's residence and required Applicant to submit an oath or declaration identifying the residence of each of the inventors.

On July 28, 2008, a decision was mailed by the USPTO denying Applicant's petition to make special. The decision outlined the requirements for accelerated examination pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (71 Fed Reg. 36323), and cited the existence of a "Notice of Informal Application" and a failure to present an oath or declaration identifying the residence of each of the inventors as the justification for denying special examination status to the application.

On July 31, 2008, during a telephone conversation with the undersigned, Kenneth Weitzman, Applicant's representative pointed out that the above "Notice of Informal Application" dated May 23, 2008 was never received by the Applicant. Mr. Weitzman further pointed out that Applicant had submitted an Application Data Sheet at the time of filing the application, including an identification of the residence of each inventor, thus fulfilling the requirement of 37 C. F. R. § 1.63 (c) , and requested withdrawal of the decision mailed on July 28, 2008 and issuance of a decision on the merits of the Petition Make Special filed with the application.. After reviewing the record, the undersigned informed Applicant's representative that the Notice of Informal Application appeared to be in error, and indicated that the decision mailed on July 28, 2008 would be withdrawn and a decision on the merits of the Petition Make Special filed on May 15, 2008 would be issued upon filing of a formal request for reconsideration of the previous denial mailed on July 28, 2008.

On July 31, 2008, Applicant submitted the instant Petition requesting reconsideration of the July 28, 2008 denial of the petition to make special, along with a request to reconsider the Notice of Informal Application, based on the reasons set forth by Mr. Weitzman during the above telephone conversation.

Applicable Regulations and Notice Sections

37 CFR § 1.102 Advancement of Examination

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

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

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

> Part I. Requirements for Petitions to Make Special under Accelerated Examination: *A new application may be granted accelerated examination status under the following conditions:*
>
> ...
>
> (4) The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination.
>
> ...

37 CFR 1.51 states in part:

§ 1.51 General requisites of an application.

(a) Applications for patents must be made to the Director of the United States Patent and Trademark Office.

(b) A complete application filed under § 1.53(b) or § 1.53(d) comprises:

...

(2) An oath or declaration, see §§ 1.63 and 1.68;

...

37 CFR 1.63 states in part :

§ 1.63 Oath or declaration.

...

(c) *Unless such information is supplied on an application data sheet in accordance with § 1.76,* the oath or declaration must also identify:

(1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor;

...

37 CFR 1.76 states in part :

§ 1.76 Application data sheet.

(a) *Application data sheet.* An application data sheet is a sheet or sheets, that may be voluntarily submitted in either provisional or nonprovisional applications, which contains bibliographic data, arranged in a format specified by the Office. An application data sheet must be titled "Application Data Sheet" and must contain all of the section headings listed in paragraph (b) of this section, with any appropriate data for each section heading. If an application data sheet is provided, the application data sheet is part of the provisional or nonprovisional application for which it has been submitted.

(b) *Bibliographic data.* Bibliographic data as used in paragraph (a) of this section includes:

(1) *Applicant information.* This information includes the name, ***residence***, mailing address, and citizenship of each applicant (§ 1.41(b)).

...

Decision

As noted above, Petitioner requests reconsideration based upon petitioner's assertion that the application was complete under 37 CFR 1.51 and in "*condition for examination*" at the time of filing for reasons set forth above in connection with the telephone conversation between Mr. Weitzman and the undersigned. Applicant requests reconsideration of the USPTO denial to have the current application prosecuted as special accelerated examination.

Under this program, the application must be, "*at the time of filing*" complete under 37 CFR 1.51 and in "*condition for examination*". These requirements include an oath or declaration in compliance with 37 CFR 1.63, particularly section (c) thereof. A review of the record reveals that Applicant filed an Application Data Sheet in accordance with 37 CFR 1.76, including an identification of residence for each of the inventors, as required in 37 CFR 1.63(c). Thus the Application as complete under 37 CFR 1.51 and in "*condition for examination*" at the time of filing.

CONCLUSION

For the above-stated reasons, the decision mailed on July 28, 2008 denying the petition to make special application No. 12/121,522 is hereby withdrawn..

Further, upon review of the petition to make special filed May 15, 2008 on the merits, 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 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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KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

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AUG 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Carus et al.	:	DECISION ON PETITION
Application No. 12/121,527	:	TO WITHDRAW
Filed: May 15, 2008	:	FROM RECORD
Attorney Docket No. 02158.0468.NPUS00	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 18, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED.**

A review of the file record indicates that the attorneys/agents associated with Customer Number 47670 were never properly given power of attorney in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence of record cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. Further, the request is unacceptable as the requested correspondence address is not that of: (1) the first named inventor; or (2) the assignee of the entire interest. The Office will no longer change the correspondence address to that of a new practitioner unless the request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-3206. All other inquiries should be directed to Technology Center 3600.

Liana Walsh
Petitions Examiner
Office of Petitions

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SEP 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Carus et al.	:	DECISION ON PETITION
Application No. 12/121,527	:	TO WITHDRAW
Filed: May 15, 2008	:	FROM RECORD
Attorney Docket No. NU-142 (US)(C)	:	

This is a decision on the second Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 14, 2009.

The request is **DISMISSED**.

A review of the file record indicates that the attorneys/agents associated with either Customer Number 47670 and/or 47669: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

The change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. The Office will continue to mail all future correspondence solely to the current address of record until otherwise properly notified.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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JUN 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of:
ADAMS, CHAD ALLEN, et al
Serial No.: 12/121,553
Filed: May 15, 2008

Title: **METHOD AND APPARATUS FOR LOCALLY GENERATING A VIRTUAL GROUND FOR WRITE ASSIST ON COLUMN SELECTED SRAM CELLS**

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete. A Notice to File Corrected Application Papers was mailed on May 23, 2008 due to:

A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:

The application papers (including any electronically submitted papers) are not in compliance with 37 CFR 1.52 because pages 1, 3, 5, 6, 8 contain text that is unreadable or of insufficient clarity.
Application papers (including any electronically submitted papers) must be presented in a form having sufficient clarity and contrast between the background of the paper and the writing thereon to permit the Office to electronically reproduce the papers by use of digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v).

Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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Paper No.

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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FEB 03 2009

OFFICE OF PETITIONS

In re Application of	:
Marc Dubois, Thomas Drake Jr.	:
and Mark Osterkamp	: DECISION ACCORDING STATUS
Application No. 12/121,559	: UNDER 37 C.F.R. § 1.47(a)
Filed: May 15, 2008	:
Attorney Docket No. TA-00919	:

This is a decision on the PETITION UNDER 37 C.F.R. 1.47(a) filed July 28, 2008. This decision is made in light of the executed declaration filed October 3, 2008.

The petition is **GRANTED**.

The above-identified application was filed on May 15, 2008, with an application data sheet but without an executed oath or declaration. Accordingly, on May 28, 2008, the Office sent a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition. The petition includes a declaration executed by joint inventor Osterkamp on behalf of himself and on behalf of non-signing inventors Dubois and Drake. Applicant asserts that status under 1.47(a) is proper because joint inventors Dubois and Drake refuse to join in the application. By statement of facts of patent attorney Todd Mattingly, and with supporting documentary evidence, applicant shows that after having been presented with the application papers inventor Dubois has expressly refused to join in the application. The evidence includes a letter from

inventor Dubois to attorney Mattingly stating that he refuses to sign the declaration. It is concluded that applicants have made an adequate showing of inventor Dubois' refusal to join in the application.

The petition also includes evidence of presentation of the application papers to inventor Drake by e-mail. However, consideration of the sufficiency of this proof is unnecessary as prior to a decision being rendered on this petition, on October 3, 2008, applicant submitted a declaration for patent signed by inventor Drake.

The declarations filed July 28, 2008 and October 3, 2008, have been reviewed and found in compliance with § 1.63. The $200 petition fee has been charged to Deposit Account No. 50-0259, as authorized. The petition includes the last known address of non-signing inventor Dubois.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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MR. MARC DUBOIS
312 FOXCROFT LANE
KELLER, TX 76248

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FEB 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Marc Dubois, Thomas Drake Jr.	:	
and Mark Osterkamp	:	LETTER
Application No. 12/121,559	:	
Filed: May 15, 2008	:	
Attorney Docket No. TA-00919	:	

Dear Mr. Dubois:

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. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. 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 D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

TODD MATTINGLY
BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

In re Application of:
HAMADA, TAKAHIRO, et al
Serial No.: 12/121,562
Filed: May 15, 2008

Title: **MONITORING APPARATUS**

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination.

As published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323) and in accordance with the MPEP 708.02(a) VIII(C) Conditions for Examination,

"The application must be in condition for examination at the time of filing. This means the application must include the following:

(11) No preliminary amendments present on the filing date of the application;"

A review of the contents of the file indicates a preliminary amendment was filed on May 15, 2008 the same day as the filing date of the application.

Therefore, the petition is denied because the application was not in condition for examination at the time of filing as per item 3 above. The application will be forwarded to the current art unit of record to be taken up for classification and docketing in its regular turn.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,582	05/15/2008	Raymond Floyd Babock	ROC920080266US1	7133

78754 7590 06/27/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine, CA 92612

EXAMINER

ART UNIT	PAPER NUMBER
2829	

MAIL DATE	DELIVERY MODE
06/27/2008	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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Irvine, CA 92612

In re Application of:	:	
Raymond Floyd Babock et al.	:	
Serial No.: 12/121,582	:	DECISION ON PETITION TO
Filed: May 15, 2008	:	MAKE SPECIAL FOR NEW
Attorney Docket No.: ROC920080266US1	:	APPLICATION UNDER 37
Title: NESTED FIN INTEGRAL HEAT SINK	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
ASSEMBLY FOR MULTIPLE HIGH POWER	:	
ELECTRONIC CIRCUIT BOARD MODULES	:	

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

Regarding conditions II. 5.2 and 5.3, the preexamination search is required to give the claim its broadest reasonable interpretation, encompass all the features of the present claim and encompass disclosed features that may be claimed later. The following search areas which were not included in applicant's search have been identified by the examiner as critical search areas: class 361/subclasses 690, 694-695, 697, 709-710, 715-716 and 720; class 165/subclasses 80.3 and 185; class 174/subclasses 16.1 and 16.3; and class 454/subclass 184. Any renewed petition should include a search of the above areas.

Regarding condition II. 6.2, an identification of all ***the limitations in the claims*** that are disclosed by the reference specifying where the limitation is disclosed in the cited reference is required. The listing of some non-claimed limitations or a general description of the invention in the reference is not sufficient. The limitations referred to in II. 6.2 are claim limitations. It should be specified what claim limitations of the application are met by the reference and where the claimed limitations are disclosed in the reference, as well as which claim limitations are not met by the reference.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support for the entire claim "is found at least in paragraph [0003] of the specification, which corresponds to the claim, and at least in figure 2" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the specification. A duplication of the entire claim or a general description of the invention in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer,

from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

For the above-stated reasons, the petition is **dismissed**.

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

Edward Westin

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,582	05/15/2008	Raymond Floyd Babock	ROC920080266US1	7133

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

EXAMINER

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

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

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

In re Application of: Raymond Floyd Babock et al. Serial No.: 12/121,582 Filed: May 15, 2008 Attorney Docket No.: ROC920080266US1 Title: NESTED FIN INTEGRAL HEAT SINK ASSEMBLY FOR MULTIPLE HIGH POWER ELECTRONIC CIRCUIT BOARD MODULES	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the renewed petition filed on July 28, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

A petition to make special was filed in the above-identified application under 37 C.F.R. § 1.102(d) on May 15, 2008. The petition was dismissed in a decision dated June 27, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration. The renewed petition is timely because July 27, 2008 was a Sunday.

The reasons for dismissal were: 1) an inadequate search (conditions II. 5.2 and 5.3); 2) a failure to identify ***all the limitations in the claims*** that are disclosed by the references (condition II. 6.2); and 3) a failure to show where ***each*** claim limitation finds support under 35 USC 112, first paragraph, in the written description of the specification (condition II. 6.5).

The search is now adequate. However, although an improvement over the previous examination support document filed on May 15, 2008, the new support document filed on July 28, 2008 fails to correct the deficiencies of the previous examination support document.

As mentioned in the petition decision of June 27, 2008, item 6.2 of Conditions Regarding the Petition requires "an identification of ***all the limitations in the claims*** that are disclosed by each reference specifying where the limitation is disclosed in the cited reference." The latest examination support document does identify ***claim limitations*** indicating where the respective claim limitation is disclosed is disclosed in the references. On the other hand, it fails to identify ***all*** the limitations in the claim that are disclosed by the reference. For example, the Bhatti et al. reference (U.S. 2005/0156013) clearly discloses "positioning fin sections on the heat sink

assembly." The examination support document does not indicate that this claim limitation is disclosed in the Bhatti et al. reference. It only indicates that Bhatti discloses "a method of heat sinking for multiple high power circuit board modules" and a "heat sink base."

As also mentioned in the petition decision of June 27, 2008, item 6.5 of Conditions Regarding the Petition requires "a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification." The petition decision also stated that "(t)he statement that support for the entire claim "is found at least in paragraph [0003] of the specification, which corresponds to the claim, and at least in figure 2" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the specification. A duplication of the entire claim or a general description of the invention in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings."

The examination support document filed on July 28, 2008 merely adds 6 more paragraph numbers and 3 more drawing figures to what was stated in the previous examination support document. It fails to specifically indicate where ***each individual*** limitation of the claim finds support in the written description of the specification. Merely citing a bunch of paragraphs of the specification as well as a bunch of drawing figures and stating that support for the claim(s) can be found there does not provide the specificity required by condition II. 6.5.

Finally, the record shows that a "Notice To File Corrected Application Papers" was mailed to applicant on May 23, 2008. The Notice required a replacement drawing for Figure 5. The record also shows that applicant did not argue the requirement but merely filed a replacement drawing sheet for Figure 5 on July 21, 2008. This is evidence that the application was not complete and in condition for examination at the time of filing (condition I. 3).

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

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

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

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,594	05/15/2008	C. PATRICK BAKEKOLO	GB920080157US1	7150

75339 7590 09/29/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER	
ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
09/29/2008	PAPER

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PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON FL 33331

In re Application of:
Patrick C. Bakekolo et al.
Serial No.: 12/121,594
Filed: May 15, 2008
Docket: GB920080157US1
Title: SOLUTION FOR AUTOMATICALLY INCORPORATING DIAGNOSTIC DATA WITHIN SCREEN CAPTURE IMAGES

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

6.3. a detailed explanation of how each of the claims 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 II.1 – II.4, II5.1, II.5.3, II.6.2, II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.1, II.6.3, and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding item 5.2 above, the preexamination search document does not provide a date of both the class/subclass and the database searches. The document mentions one date of search on page 1 of the search document, but does not clearly identify which one of the searches was conducted on that date. Clarification is required.

Regarding the requirement of item 6.1 above, while petitioner lists a total of twenty (20) documents on the Information Disclosure Statement (IDS) filed with the petition, the Support Document only discusses four (4) documents listed on the IDS. Petitioner is required to include a discussion of each of the documents listed on the IDS but not discussed in the Support Document, or if the documents omitted from the Support Documents are deemed not closer to the subject matter of at least one claim than the references discussed in the AESD, submit these documents in a separate IDS in compliance with 37 CFR 1.97 and 1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, Applicant should clearly identify the separate IDS that is not in support of the petition. It is noted that any reference submitted in a separate IDS that is not part of an IDS will be treated as representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the IDS of the AESD. Correction is required.

Regarding item 6.3 above, the Support Document fails to provide a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b).
Specifically, 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out *how the language of the claims patentably distinguishes* them from the references does not comply with the requirements of this section."

Specifically, the petitioner's "Statement of Patentability" is not clear and consistent as to how each of the claims is patentable over the references cited. In particular, petitioner asserts in section 9(C) of the Support Document that none of the references teach or suggest "performing a screen capture, automatically collecting diagnostic data after identifying an application contained in the screen capture and incorporating the diagnostic data in the image" as recited in claim1 , " the incorporated diagnostic data is rendered in the presented screen image, wherein each item of incorporated diagnostic data is visually rendered with a spatial relationship to a corresponding area of the screen capture image within the display area" regarding claims 2 and 5, and "a user initiated screen capture to include diagnostic data, which is conveyed to a technician during a real time communication" regarding claims 3 and 6. However, in section 9(B) of the support document, petitioner appears to indicate that at least the Hirata and the Bates references

discussed therein teach these limitations. Thus petitioner appears to provide only a general allegation that the claims define a patentable invention without clearly pointing out how the language of the claims patentably distinguishes them from the references, as required by 37 CFR 1.111(b) and (c). Correction is required. In addition, petitioner should review the Detailed Explanation of Patentability section in view of changes and clarifications added to section 9(B) and provide clarifications, if deemed necessary, to ensure compliance with the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document only identifies specific figures and portions of text in the specification as providing support under 35 U.S.C. 112 First paragraph for each of the claims, but fails to identify specific *claim limitations* and the *corresponding support* in the cited portions of specification, as required above. Clarification and identification of support for *each limitation* in *each of claims* 1-6 is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan, Quality Assurance Specialist, Technology Center 2100 can be reached at (571)272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,594	05/15/2008	C. PATRICK BAKEKOLO	GB920080157US1	7150

75339 7590 01/12/2009
PATENTS ON DEMAND, P.A.-IBM ACCSPP
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
01/12/2009	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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ACCSPP
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

01/12/09

In re application of:
BAKEKOLO, et al.
Application No.: 12/121,594
Filed: MAY 15, 2008
For: SOLUTION FOR AUTOMATICALLY INCORPORATING DIAGNOSTIC DATA WITHIN SCREEN CAPTURE IMAGES

DECISION ON RENEWED PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the renewed petition filed on October 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 **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on May 15, 2008. That petition was dismissed in a decision mailed September 29, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

In the decision mailed September 29, 2008, the reasons for the dismissal were identified to be inadequate preexamination search and an inadequate support document (conditions II 5.2, 6.1, 6.3 and 6.5 identified below).

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, 5-5.3, 6.1, 6.2 and 6.4-6.6 above are considered to have been met. However, the renewed petition fails to comply with condition II. **6.3 above**. Therefore, the renewed petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to the renewed support document and with regard to the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, the renewed petition fails to provide 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)." Specifically, Petitioner does not clearly point out the particular language of instant claims 1-6 that distinguishes of those references cited as most closely related. Petitioner's "Detailed Explanation of Patentability" is not clear and consistent as to how each of the claims is patentable over the references cited. For example, in the support document filed on October 29, 2008, Petitioner's patentability discussion begins with the statement "All of the references identified above fail to teach or suggest the following:

Claims 1, 4

detecting a screen capture event

generating a screen capture image in response to the detecting step, ...

automatically collecting diagnostic data for the at least one software application from at least one computing device; and

incorporating the collected diagnostic data into the screen capture file, ...

and wherein the diagnostic data comprises at least one of a reference to a diagnostic log, ..."

However, and contrary to the above noted statement, Petitioner indicates each step identified above is also taught by one or more of the references identified to be most closely related. As discussed in the section entitled "Limitations Disclosed by the References", note the following:

<u>With respect to claims 1, 4, O'Conner, et al teaches</u>

generating a screen capture image

automatically collecting diagnostic data for the at least one software application from at least one computing device

incorporating the collected diagnostic data ...

With respect to claims 1, 4, Golender, et al teaches
detecting a screen capture event
generating a screen capture image in response to the detecting step,
automatically collecting diagnostic data ... from at least one computing device and
wherein the diagnostic data comprises at least one of a reference to a diagnostic log, ...

With respect to claims 1, 4, Hirata, et al teaches
Incorporating the ... data ... into the screen ... image ... file.
visually rendering .... within the presented ***screen capture image.***

A detailed comparison shows that all limitations identified in the "Detailed Explanation of Patentability" appear to be shown or taught by one or more of the references discussed above. It is therefore unclear how limitations can simultaneously be taught by the references cited and patentable there over.

Further, contrary to Petitioner's statement that "No other known reference "*bases the diagnostic data upon which application was identified in the screen image* ... as claimed", such language does not appear to be claimed in pending claims 1-6 as stated. Therefore, the detailed analysis of patentability does not track consistently with the instant claimed language.

For these reasons, the petition does not meet the requirement of MPEP § 708.02(a)(I.)(I)(3).

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 single opportunity to perfect the original petition filed May 15, 2008 was given. Therefore, further petitions for accelerated examination in this application will not be entertained.

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
Computer Architecture, Software and Information Security

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123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

In re Application of	:	
Steven Thomas Croft et al..	:	
Application No. 12/121,602	:	DECISION ON PETITION
Filed: May 15, 2008	:	TO WITHDRAW
Attorney Docket No. MSOLP010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 10, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 70408 has been revoked by the assignee of the patent application on May 18, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,646	05/15/2008	Joseph Meyerhoff II	96517-257412	7257

26694 7590 06/20/2008
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
06/20/2008	PAPER

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JUN 19 2008

TECHNOLOGY CENTER 3600

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

In re application of
Meyerhoff II
Application No. 12/121,646
Filed: May 15, 2008
For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR IMPLEMENTING A MUNICIPAL ARBITRAGE PORTFOLIO (MAP) IN AN INVESTMENT COMPANY ACT OF 1940 FUND (1940 ACT FUND)

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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.5.2.

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 overly narrowed by limiting the text search to a small group of subclasses. The classification system is useful, but many patents transcend multiple classes.

Applicant's invention is drawn to a municipal arbitrage portfolio, but "municipal" is barely part of the search and "arbitrage" is not in the search. Line 21 appears to be a good narrowing search, but may be improved by broadening it to just "hedg$" or "swap$"

It may also helpful to look at the prior art and determine related limitations. For example, if one has a third party liquidity provider, would the obligation to reimburse losses be inherent.

As a starting point for a possible search string for claim 1, the following is provided. Plurals on.

Line 1 municipal near2 arbitrage
Line 2 municipal same arbitrage
Line 3 (L1 or L2) and (swap$ or hedg$)
Line 4 liquidity near3 provider
Line 5 L4 and municipal
Line 6 L5 and L2
Line 7 L6 and security
Line 8 (reverse near3 repo) or (repo adj buyer)

This is just a sample search and copying this search will not comply with the requirement. It is assumed that an actual search would be customized for each independent claim, would include separate searches for dependent limitations for obviousness consideration and would 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 condition II.6.1, II.6.2 and II.6.3, these sections may have to be revised pending the finding of other related references.

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/06/18/08

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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.
12/121,646	05/15/2008	Joseph Meyerhoff II	96517-257412	7257

26694 7590 08/14/2008
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

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

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

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AUG 13 2008

TECHNOLOGY CENTER 3600

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re application of
MEYERHOFF et al.
Application No. 12/121,646
Filed: May 15, 2008
For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR IMPLEMENTING A MUNICIPAL ARBITRAGE PORTFOLIO (MAP) IN AN INVESTMENT COMPANY ACT OF 1940 FUND (1940 ACT FUND)

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on May 15, 2008 and the supplemental petition documents filed July 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

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

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

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

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

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examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

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

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

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

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

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

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

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

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt at (571) 272-6633, or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/8/13/08

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MURABITO, HAO & BARNES, LLP
TWO NORTH MARKET STREET, THIRD FLOOR
SAN JOSE CA 95113

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Hendrickson et al. :
Application No. 12/121,653 : DECISION ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. LEAP-P0383 :

This is a decision on the petition, filed February 12, 2009, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts (Notice) of May 29, 2008, which set a two (2) month shortened statutory period for reply. A three (3) month extension of time under 37 CFR 1.136 was obtained. Accordingly, a reply was due on or before October 29, 2008. A Notice of Abandonment was mailed on January 9, 2009.

Petitioner states that a timely reply to the Notice was previously submitted. Petitioner has provided a copy of the response.

A review of the record shows the Office received corrected drawings, a declaration and a request for a three-month extension of time with fees of $1,110.00 on November 26, 2008. The three-month extension of time allowed for a response up until October 29, 2008. However, to make this reply timely an additional one-month extension of time was required. A review of the record shows that a general authorization to charge any fee shortages to a deposit account was not provided until the submission of the instant petition. As such the reply to the Notice on November 26, 2008 was untimely. Thus, the application was properly held abandoned.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat.

317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MURABITO, HAO & BARNES, LLP
TWO NORTH MARKET STREET, THIRD FLOOR
SAN JOSE CA 95113

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JUN 12 2009

OFFICE OF PETITIONS

In re Application of :
Hendrickson et al. :
Application No. 12/121,653 : DECISION ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. LEAP-P0383 :

This is a decision on the renewed petition, filed May 18, 2009, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts (Notice) of May 29, 2008, which set a two (2) month shortened statutory period for reply. A three (3) month extension of time under 37 CFR 1.136 was obtained. Accordingly, a reply was due on or before October 29, 2008. A Notice of Abandonment was mailed on January 9, 2009.

On renewed petition, petitioner states that a Notice of Incomplete Reply was not received. Petitioner has provided a copy of an individual docket record to establish non-receipt of the Notice of Incomplete Reply.

However, a review of the record shows a Notice of Incomplete Reply was not mailed. This application was held abandoned because the Office did not receive a timely complete reply to the Notice to File Missing Parts mailed on May 29, 2008.

Thus, the application was properly held abandoned.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing

that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Hendrickson et al. :
Application No.12/121,653 :
Filed: May 15, 2008 :
Attorney Docket No. LEAP-P0383 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on May 29, 2008. The Notice to Missing Parts set an extendable two (2) month period for reply. A three- month extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on October 30, 2008. A Notice of Abandonment was mailed on January 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, declaration and $130 surcharge (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,710	05/15/2008	Richard G. Ella	16689-004002/2005-IP-0180	7367

26232 7590 06/27/2008
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
MOFFAT, JONATHAN

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
06/27/2008	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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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of: ELLA et al Serial No.: 12/121,710 Filed: May 15, 2008 Title: DYNAMIC PRODUCTION SYSTEM MANAGEMENT	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

6.3. a detailed explanation of how each of the claims 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; and

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

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsections 5 and 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 5.1 above, it appears the search outlined in the petition omitted critical search areas by not searching in class 166 subclasses 244.1, 53-54, 369-372, and 250.01 - 250.17, class 702 subclasses 1-2, 108, 114, and 182-189, and class 705 subclasses 1, 28, 400, and 413-416 at a minimum to include indicating, testing, measuring, producing the well, and performance or efficiency evaluation. Any renewed petition should include the above outlined additional searching.

Regarding the requirements of section II, subsection 6, the support document supplied by petitioner does not satisfy the requirements set forth in subsection 6.3. The petition fails provide a detailed explanation of how each of the claims are patentable over each of the references with particularity required by 37 CFR 1.111(b) and (c) and not merely state that the references do not disclose the claim limitations. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 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." The support document basically just reiterates limitations of each claim and states that all of the references fail to at least teach or suggest all of the given limitations. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For example, each reference has potentially corresponding disclosure with element 1D of claim 1, yet the petition does not contain any discussion of the references nor any discussion of this potentially corresponding disclosure (see Table 1 of the support document). For these reasons, the petition does not meet the requirement of section II, subsection 6.3.

DECISION

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

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

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

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,710	05/15/2008	Richard G. Ella	16689-004002/2005-IP-0180	7367

26232 7590 09/10/2008
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
TEIXEIRA MOFFAT, JONATHAN CHARLES

ART UNIT	PAPER NUMBER
2863	

NOTIFICATION DATE	DELIVERY MODE
09/10/2008	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):

PATDOCTC@fr.com

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

In re Application of: ELLA et al. Serial No.: 12/121,710 Filed: May 15, 2008 Title: DYNAMIC PRODUCTION SYSTEM MANAGEMENT	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed July 28, 2008. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on June 27, 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 Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
CHRISTIAN HULTEBERG ET AL.	:	DECISION ON PETITION
Application No. 12/121,722	:	TO WITHDRAW
Filed: May 15, 2008	:	FROM RECORD
Attorney Docket No. **PFUEL.001A2**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 to 37 CFR 10.40.

The request was signed by Rose M. Tiessen on behalf of all attorneys of record who are associated with Customer Number 20995.

All attorneys/agents associated with Customer Number 20995 have been withdrawn.

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

All future correspondence will be directed to the assignee "Primafuel, Inc." at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PRIMAFUEL, INC.
2774 Dawson Ave.
Signal Hill, CA 90755

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.
12/121,727	05/15/2008	Vincent V. Diluoffo	1041.004	7407

79464 7590 10/07/2008
Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

EXAMINER
DEUBLE, MARK A

ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
10/07/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED FROM
DIRECTORS OFFICE
OCT - 8 2008
TECHNOLOGY CENTER 3600

Weitzman Law Office LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

In re application of Vincent V. Diluoffo et al. Application No. 12/121,727 Filed: May 15, 2008 For: SYSTEM TO AUTOMATICALLY MOVE PHYSICAL INFRASTRUCTURE TO OPTIMIZE GEOTHERMAL COOLING	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-

function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The petition fails to comply with conditions II.5.1, II.5.2 and II.6.5 above.

As to condition II.5.1, the petition lacks an indication of a preexamination search involving JP patent documents. Normally it is necessary to have the JPO and WIPO databases searched in addition to the EPO.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas already searched, the search needs to include a search of 198/468.8 (the area in which this application is classified) and 700/214 and 230.

As to condition to II.6.5, the showing of where each limitation of the claim finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation the petition needs to identify ***specific*** passages, or at least a single paragraph where each limitation provides support. The paragraph cited as support is contained in the "Brief Summary" of the invention; specific passages within the "Detailed Description" should be referred to. Listing broadly a figure or pages of the specification for each claim limitation does not comply with what is required.

Therefore, 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 Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tl/TL: 10/06/08

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JAN 27 2009

Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

In re Application of Vincent V. Diluoffo et al. Application No. 12/121,727 Filed: May 15, 2008 For: SYSTEM TO AUTOMATICALLY MOVE PHYSICAL INFRASTRUCTURE TO OPTIMIZE GEOTHERMAL COOLING	: : : : :	DECISION ON PETITION TO RESET TIME PERIOD

This is a decision in response to applicants' Petition to Restart Time Period filed in the United States Patent and Trademark Office on January 14, 2009.

The petition is **GRANTED**.

A review of the file records indicates that a petition to make special under the Accelerated Examination program was filed on May 15, 2008. A petition decision dismissing the petition was mailed on October 7, 2008. Any request for reconsideration of the October 7, 2008 petition was required to be submitted within one (1) month or thirty (30) days, whichever was longer, from the date of the petition decision in order to be considered timely. Since neither a reply nor a renewed petition was received within the time period prescribed in the October 7, 2008 decision, the application was no longer considered eligible for the accelerated examination program; and a letter to that effect was mailed on November 14, 2008. In response to the November 14, 2008 letter, the instant petition was filed.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

(1) A statement from the practitioner stating the Office communication was not received by the practitioner;

(2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

(3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date of November 7, 2008. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

Practitioner submits a statement that the above-noted petition decision was not received by practitioner. Practitioner also attests to the fact that a search of the file jacket and docket records indicates that the petition decision was not received. A copy of the docket record where the non-received petition decision would have been entered as being due was also submitted. This evidence is acceptable proof of non-receipt as provided by 1156 OG 53.

The petition decision of October 7, 2008 is hereby reset as of the date of the mailing of this petition decision. Petitioner is given a single opportunity to perfect the October 7, 2008 petition. Any request for reconsideration of the October 7, 2008 decision must be submitted within one (1) month or thirty (30) days, whichever was longer, from the date of mailing of the instant petition decision in order to be considered timely. No extension of time under 37 CFR 1.136(a) is permitted. Any request for reconsideration must address the deficiencies indicated in the October 7, 2008 petition decision.

Teri P. Luu, Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-7045

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Weitzman Law Office LLC
425 Eagle Rock Avenue
Suite 102
Roseland, NJ 07068

In re application of Vincent V. Diluoffo et al. Application No. 12/121,727 Filed: May 15, 2008 For: SYSTEM TO AUTOMATICALLY MOVE PHYSICAL INFRASTRUCTURE TO OPTIMIZE GEOTHERMAL COOLING	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the renewed petition filed on February 25, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Teri P. Luu, at (571) 272-7045.

Teri P. Luu
Special Program Examiner
Technology Center 3600

TL/tl: 06/01/09

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IRVINE CA 92614

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
CHRISTIAN HULTEBERG ET AL.	:	DECISION ON PETITION
Application No. 12/121,728	:	TO WITHDRAW
Filed: May 15, 2008	:	FROM RECORD
Attorney Docket No. **PFUEL.001A**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 to 37 CFR 10.40.

The request was signed by Rose M. Tiessen on behalf of all attorneys of record who are associated with Customer Number 20995.

All attorneys/agents associated with Customer Number 20995 have been withdrawn.

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

All future correspondence will be directed to the assignee "Primafuel, Inc." at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PRIMAFUEL, INC.
2774 Dawson Ave.
Signal Hill, CA 90755

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JAN 2 5 2010

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Stolowitz Ford Cowger LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205

In re Application of Jose N. Reyes, Jr. Application No. 12/121,733 Filed: May 15, 2008 For: PASSIVE EMERGENCY FEEDWATER SYSTEM	: : : : : : :	DECISION ON THE PETITION FOR WITHDRAWAL OF THE RESTRICTION REQUIREMENT UNDER 37 C.F.R 1.181

This is a decision on applicant's petition on the propriety of the restriction/election under 37 CFR 1.181, filed on October 23, 2009

The petition is **DENIED**.

Applicant's petition alleges that the restriction requirement was improper because: (1) that the process and apparatus are not materially different, (2) that it would not be a serious burden on the examiner to examine the non-elected claim 12 as the search of inventions on the combination/subcombination apparatus and the process would be the same, and (3) the examiner's reasons for insisting upon restriction were improper.

A close review of the file reveals that a restriction and species election was mailed to applicant on May 20, 2009 as follows:

I. Claims 1-9, drawn to a combination apparatus (nuclear vessels and cooling system), classified in class 376, subclass 347.
II. Claims 10-14, drawn to subcombination apparatus (cooling system), classified in class 376, subclass 282.
III. Claims 16-20, drawn to a process (of cooling), classified in class 376, subclass 277.

The examiner further required a species election between figures 2 and 3 for groups I and II.

On June 17, 2009, applicant elected with traverse to prosecute claims 1-3, 5 and 7-9 drawn to the apparatus of Group I and the species of figure 3. In the non-Final Office action of August 7, 2009 the examiner addressed applicant's traversal of the restriction/election and withdrew claims 4, 6 and 16-20 as being non-elected with traverse.

Regarding applicant's argument that that the process and apparatus are not materially different, MPEP § 806.05(e) indicates that one can show distinctness between the process and apparatus by showing of either: (1) the process as claimed can be practiced by another material different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. Emphasis here should be placed on "can

be". Each and every possible use of applicant's invention need not be contemplated or set forth in applicant's disclosure nor is the examiner required to postulate every possible alternative use. The criteria is simply whether the apparatus can be used to practice another materially different process. In the instant case, the utility is in a separate and distinct area within the art, such as storage pool cooling or isotope production. This is considered to be different than an emergency cooling system of applicant's disclosure. The examiner has clearly demonstrated distinctness between the process and apparatus.

Regarding applicant's argument that that it would not be a serious burden on the examiner to examine the non-elected claim 12 as the search of inventions on the combination/subcombination apparatus and the process would be the same, MPEP§ 808.02 clearly sets forth the criteria for establishing a burden as including a separate classification, a separate status in the art, and a different field of search. The examiner did provide proper separate classification of class 376 and subclass 347 for the combination apparatus, class 376 and subclass 282 for the subcombination apparatus, class 376 and subclass 277 for the process of cooling. Accordingly, this argument is found to be not persuasive.

Applicant's argument that the same search would have been conducted for both apparatus and process is found to be not persuasive. Clearly the search conducted for either the apparatus or process will have overlapping classes, however they need not be entirely the same. Classification set forth by the examiner in the restriction requirement is evidence only that the apparatus and process can be classified elsewhere. This is further evidenced by applicant's own IDS in which class 114 is cited.

With regard to applicant's argument that the examiner's reason for insisting upon restriction were improper, it is noted above that the examiner clearly met the criteria set forth under MPEP § 806.05(e) to show distinctness between the process and apparatus, and the criteria set forth under MPEP § 808.02 establishing examination burden.

For this reason the restriction between inventions I, II and III is deemed **proper** for the reasons set forth above.

It should be noted that applicant while stating the inventions are similar never clearly set forth that the inventions are not patentably distinct. An express admission that the claimed inventions are not patentably distinct or are obvious over each other within the meaning of 35 USC 103 would have negated the restriction requirement. See *In re Lee*, 199 USPQ 108 (Comm'r Pat 1978).

Based on these facts, it is determined that the restriction requirement of May 20, 2009 was proper. The petition is **DENIED**.

Any questions regarding this decision should be directed to SPE Jack Keith at 571-272-6878.

Katherine Matecki

Katherine A. Matecki, Director
Patent Technology Center 3600
(571) 272-5250

jk/lm: 12/8/09

LM

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,738	05/15/2008	Takahiko Mihara	NGTOSH.021AUS	7438

EXAMINER

7590 01/28/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
01/28/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Refs
01/28/2010 0333079418

Credit Card Refund Total: $510.00

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05/16/2008 INTEFSW 00004782 12121738
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FORM PET651G (Rev. 08/07)

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JUN 17 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

In re Application of:
MILLER, STEVEN M., et al
Serial No.: 12/121,743
Filed: May 15, 2008

Title: **METHOD FOR DISCRETE COMMUNICATION WITH A MEETING SPEAKER DURING A TELECONFERENCE**

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The search was too narrow. Conferencing needs to cover all of these class/subclasses: 348/14.08; 370/260-263, 266-269; 379/158, 202.01-206.01; and 455/416; and for this claim voice/audio processing (muting) needs to be covered: class 381/71.1+, 94.1+, 104+.
Also the search terms need to include the claimed speech to text limitations.

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

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
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Weitzman Law Offices LLC
425 Eagle Rock Avenue
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In re Application of:
MILLER, STEVEN M., et al,
Serial No.: 12/121,743
Filed: May 15, 2008

Title: **METHOD FOR DISCRETE COMMUNICATION WITH A MEETING SPEAKER DURING A TELECONFERENCE**

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 July 16, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed June 17, 2008 have been met.

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

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01.

As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
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SEP 24 2008

In re Application of: LYLE, RUTHIE D., et al.
Application No.: 12/121,762
Filed: May 15, 2008
Title: METHOD TO MANAGE INVENTORY USING DEGREE OF SEPARATION METRICS

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

This is a decision on the petition filed on May 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.3, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-7; the "accelerated examination support document" (AESD) comprising pages 1-5, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching as follows:

class/subclasses required:

715/706,745, 747, 751-758
709/204-207

Keyword search on EAST/WEST:

(conferenc$3 chat chatting environment application) -> L1

(associat$3 link$3 connect$3 assign$3 relat$3) with (username userid buddy buddies playmate chatmate participant friend pal conferee user) with (avatar indicia identity) and L1 -> L2

(avatar username userid buddy buddies playmate chatmate participant friend pal conferee user) with (profil$3 preference metric (user near defin$3)) -> L3

L2 and L3

Keyword search on NPL databases including: Google, ACM Digital Library, IEEE Eplore: virtual avatar management

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found.*

This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission is not specific enough. Petitioner discusses some limitations of the claim and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address <u>each discrete limitation</u> (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (<u>or state that it is not</u>) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") the presently filed claim (i.e., the claim of the instant application) and by indicating where <u>each discrete limitation</u> (without bundling limitations to the extent possible) of said presently filed claim is taught (or is not taught) in <u>each one</u> of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., recitations that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where <u>each limitation</u> of the claim finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in the claim. The requirement of section II element 6.5 can be satisfied by listing verbatim the presently filed claim (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches <u>each discrete limitation</u> (without bundling limitations to the extent possible)

in said presently filed claim, by indicating the element number and/or the relevant page and line numbers. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to this effect in lieu to the required mapping is acceptable. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard (requirement presently satisfied).

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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NOV 12 2008

In re Application of: LYLE, RUTHIE D. et al.
Application No.: 12/121762
Filed: May 15, 2008
Title: METHOD TO MANAGE INVENTORY USING DEGREE OF SEPARATION METRICS

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

This is a decision on the renewed petition filed on October 23, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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OFFICE OF PETITIONS

In re Application of :
Zou, et al. :
Application No. 12/121,815 :
Filed: May 16, 2008 :
Attorney Docket No. US19387 :

ON PETITION

This decision is mailed in response to the petition under 37 CFR 1.181, filed March 3, 2009 (certificate of mailing date February 26, 2009), requesting withdrawal of the holding of abandonment in the above-identified application.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely respond to the Notice to File Corrected Application Papers (Notice), mailed May 29, 2008, which set a two (2) month extendable period for reply. Accordingly, this application became abandoned on July 30, 2008. A Notice of Abandonment was mailed on February 4, 2009.

Petitioners assert the application did not become abandoned because the May 29, 2008 Notice *erroneously* required replacement drawings. The Notice required replacement drawings because allegedly more than one figure is present and each figure is not labeled "Fig" with a consecutive Arabic numeral or an Arabic numeral and capital letter in the English alphabet. This was the sole requirement set by the Notice.

Petitioners admit that they unintentionally did not respond to the Notice. (petition, p. 2) However, petitioners now assert that the application is not abandoned because there is only one figure present. Accordingly, petitioners argue that the May 29, 2008 Notice was mailed in error and should be withdrawn. Likewise, petitioners argue the Notice of Abandonment should be vacated.

Petitioners are reminded that the Notice to File Corrected Application Papers set a two month extendable period for reply. The Notice was never withdrawn. Failure to timely reply resulted in the abandonment of the application. Even if an applicant believes an Office action is mailed in

error or lacks merit, failure to respond *in some manner* by the deadline set in the Office action will result in the application's abandonment.

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

Petitioners are encouraged to file a petition to revive under the unintentional delay provisions of 37 CFR 1.137(b).

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PCE INDUSTRY, INC.
ATT. Steven Reiss
458 E. LAMBERT ROAD
FULLERTON CA 92835

MAILED

JUN 0 2 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Zou, et al. :
Application No. 12/121,815 :
Filed: May 16, 2008 :
Attorney Docket No. US19387 :

This decision is mailed in response to the petition under 37 CFR 1.137(b), filed April 27, 2009, requesting revival of the above-identified application.

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

This application became abandoned for failure to timely respond to the Notice to File Corrected Application Papers (Notice), mailed May 29, 2008, which set a two (2) month extendable period for reply. Accordingly, this application became abandoned on July 30, 2008. A Notice of Abandonment was mailed on February 4, 2009.

Applicants have submitted a reply to the May 29, 2008 Notice in the form of arguments that only one figure is present and that replacement drawings are not necessary, an acceptable statement of the unintentional nature of the delay in responding to the May 29, 2008 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant	: Ken Furem	: DECISION ON REQUEST FOR
Patent Number	: 7622884	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/121,837	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of

Seppo Juhani PYHALANNI, et *al.*
Application No. 12/121,838
Filed: May 16, 2008
Attorney Docket No. **042933/343304**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 27 2009

OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of Parlikar et al. Application No. 12/121,878 Filed: May 16, 2008 Attorney Docket No. 0492611-0848 (MIT 12677)	: : : : :	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 29, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Choate, Hall & Stewart LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Choate, Hall & Stewart LLP not having power of attorney. See MPEP §§ 601.03 and 405.

Accordingly, all future communications from the Office will be directed solely to the above current address of record until proper instructions have been received.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DLA PIPER LLP US
P.O. BOX 2758
RESTON, VA 20195

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Scott MAGIDS, et al	:	
Application No. 12/121,887	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 361832-P0001	:	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 1, 2009.

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

A review of the file record indicates that the power of attorney to DLA Piper LLP, has been revoked by the assignee of the patent application on June 1, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RICK NEWMAN,
BRAND INFORMATICS, INC.
155 GIBBS STREET, SUITE 350
ROCKVILLE, MD 20850

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/121,887	05/16/2008	Scott Magids	BRIN-001/01US 311391-2002

CONFIRMATION NO. 7700

58249
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

POA ACCEPTANCE LETTER

OC000000036324785

Date Mailed: 06/05/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/01/2009.

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

/snguyen/

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/121,887	05/16/2008	Scott Magids	361832-P0001

CONFIRMATION NO. 7700

POWER OF ATTORNEY NOTICE

47604
DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

OC000000036324733

Date Mailed: 06/05/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/01/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/snguyen/

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

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JUL 10 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OUR PAL ASIJA
ASIJA HOUSE
7 WOONSOCKET AVENUE
SHELTON CT 06484-5536

In re Application of: Robert German Serial No.: 12/121892 Filed: May 16, 2008 Title: **PROPERTY LOCATOR 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 May 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete. A Notice to File Corrected Application Papers was mailed on May 23, 2008 due to replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) being required.

Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

Eileen Lillis
Quality Assurance Specialist
Technology Center 2600
Communications

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.
12/121,917	05/16/2008	Ryuki Tachibana	JP920020105US2	7765

27431 7590 11/28/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER
ABYANEH, ALI S

ART UNIT	PAPER NUMBER
2437	

MAIL DATE	DELIVERY MODE
11/28/2008	PAPER

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

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

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NOV 28 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: Tsuyoshi IDE
Application No. 12/121,917
Filed: May 16, 2008
For: Watermark Signal Generating Apparatus, Method, Program, Storage Medium, Watermark Embedding Apparatus as well as Digital Television Apparatus...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 22, 2008, to make the above-identified application special.

The petition is **Denied.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) and 37 C.F.R. 1.55 to one or more applications filed in the JPO or to a PTC application that does not cotain any priority claim or is 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 petition for special is runs afoul with item (4) above.

An office action was mailed in this office action on November 24, 2008.

Accordingly, the Petition is **Denied.**

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

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.

/Tod Swann/

Tod Swann
Quality Assurance Specialist, Technology Center 2400

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,932	05/16/2008	James Helms	880-004.10-2	7794

EXAMINER

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
03/12/2009	PAPER

7590 03/12/2009
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/13/2009 NFARMER 0000166489

CHECK Refund Total: $255.00

Adjustment date: 03/13/2009 NFARMER
08/15/2008 CCHAU1 00000035 12121932
02 FC:2111 -255.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

MAILED

APR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Perng et al.	:	
Application No. 12/121,942	:	DECISION ON PETITION
Filed: May 16, 2008	:	
Attorney Docket No. YOR920060143US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 22, 2009, as required by the Notice of Allowance and Fee(s) Due mailed September 22, 2009. Accordingly, the date of abandonment of this application is December 23, 2009. A Notice of Abandonment was mailed January 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and publication fee of $300.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

The address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: David A. Fox
20 Church Street, 22 Floor
Hartford, CT 06103-3207

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.
12/121,976	05/16/2008	Aly El-Shafei	3119.2ADIV	7893

24040 7590 10/29/2009
DENNIS G. LAPOINTE
LAPOINTE LAW GROUP, PL
PO BOX 1294
TARPON SPRINGS, FL 34688-1294

EXAMINER
MULLINS, BURTON S

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
10/29/2009	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):

DLAPOINTE@LAPOINTELAW.COM
ddlapointe@aol.com

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DENNIS G. LAPOINTE
LAPOINTE LAW GROUP, PL
PO BOX 1294
TARPON SPRINGS, FL 34688-1294

In re Application of:
Aly El-Shafei
Serial No.: 12/121,976
Filed: May 16, 2008
Docket Number: 3119.2ADIV
Title: METHODS OF CONTROLLING THE INSTABILITY IN FLUID FILM BEARINGS

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition under 37 C.F.R. § 1.181, filed on September 7, 2009, requesting withdrawal of the finality of the Office action of September 3, 2009. The petition is before the TC Director for a decision.

The petition is Dismissed.

Petitioner asserts that the finality of the Office action of September 3, 2009 was prematurely made and should be withdrawn.

A review of the application file record reveals that the Office action of September 3, 2009 was a non-final Office action. The information in Private PAIR erroneously indicated that it was a final Office action. The record has been corrected. Inconvenience to the applicant is regretted.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-2404.

John W. Cabeca, TC Director
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,982	05/16/2008	Keith D. Cramer	ROC920080260US1 (105111)	7905

78148 7590 12/19/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
FLYNN, NATHAN J

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
12/19/2008	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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TECHNOLOGY CENTER 2100

KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: CRAMER, Keith D. et. al.
Serial No.: 12/121,982
Filed: May 16, 2008
Docket: ROC920080260US1 (105111)
Title: METHOD FOR AUTOMATICALLY ENABLING UNIFIED COMMUNICATIONS FOR WEB APPLICATIONS

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

This is a decision on the petition filed on May 16, 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. The preexamination search must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify:

(1) each means-(or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and

(2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more

applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. §103(c).

REVIEW OF FACTS

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

Regarding the requirement of MPEP 708.02(a) VIII (C) or I (H), and item II. 5.1 above, the Preexamination Search Document (PESD) must include: an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

For classification searches, MPEP §719.05 states that a classification search is defined as a complete search of ***all*** the documents in a particular subclass, and it is not limited by any text query or other means. It is unclear whether Petitioner searched all the documents yield by said US Field of Search of the noted classes and subclasses on May 3, 2008, namely:

379/88.13, 88.17;
709/202, 219, 227

The Petitioner is required to clarify whether the identified field of search (all subclasses of classes mentioned above comprising approximately **13,267** documents) were performed as required by the above-mention MPEP section (the identified classes and subclasses were searched in their entirety and not limited by any text query or other means); or if they were combined (i.e. the text search logic used was utilized in combination with the class/subclass), identify the logic and the combination of searches.

Based upon the claimed subject matter of the instant application, a search in the following class/subclass in addition to class/subclass listed in the preexamination search document are recommended in order to provide full coverage of where the most pertinent references are most likely to be found:

U.S. Field of Search:

715/

205 . **Hypermedia**
208 .. Hyperlink editing (e.g., **link authoring**, rerouting, etc.)
234 . Structured document (e.g., **HTML**, SGML, ODA, CDA, etc.)
700 OPERATOR INTERFACE (E.G., **GRAPHICAL USER INTERFACE**)

345/
619 . **Graphic manipulation** (object processing or display attributes)
650 ... **Graphical user interface tools**

Regarding the requirement of MPEP §708.02(a)(I)(H)(2) and item II 5.2 above, the Pre-examination Search (PREX SRCH) must: be directed to the instant claimed invention and encompass all of the features of the claims, giving the claim the broadest reasonable interpretation.

The search logic does not seems to include the inventive concept or features included in the claim language that covers the subject matter of the claims using terms recognized in the art given their broadest reasonable interpretation. The search should consider individual features by themselves and combinations of features. The search should cover the **broadest scope** encompassed by the claims **as well as** claims of **narrow and intermediate breadth**.

The text search query reported by the Petitioner fails for its lack of depth and breadth to cover all of the concepts the claims recite. The text search query fails for lack of inclusion of applicable/alternative search/key terms, and their synonyms, use of proper proximity operators, and truncation characters, as used in the claims of the invention.

Here is an exemplarily search strategy that would depth and breadth to cover all concepts the claims and intended to **supplement** Petitioner's text search set forth on the preexamination search document in order to provide full coverage of where the most pertinent references are most likely to be found:

L1 *(names address ((telephone phone) near2 (number digit)) numeric alphanumeric characters text) (((domain host) near$2 (name address)) or "@" or ".com" or ".org")*

L2 (HTML multimedia hypertext webpage ((web Internet) adj (page document site content data information)))

L3 *(monitor$4 detect$4 scan$4 identif$6 pars$4 recogniz$6 recogni$5 extract$4) with L1 with L2*

L4 *((conversion convert$5 generat$5 transform$5) with (hyperlink hypertext click clickable hotspot hot-spot hotlink link URL URI)) same L1*

L5 *(insert$4 add$4 modif$6 replac$4 substitut$4) same L1 same (instruction command code syntax hyperlink hypertext clickable hotspot hot-spot hotlink link URL URI))*

L6 *(hyperlink hypertext clickable hotspot hot-spot hotlink link URL URI)) same (start$4 launch$4 initiat$4 actuat$4 execut$4) same (communication session connection call$4)*

Default proximity operator is "OR", other proximity operators used in EAST are: "adj", "near", "with", "same".

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

These text search strategies should be added to supplement the classified search performed. It should be noted that it is rare that a text search alone would be considered a complete search strategy. MPEP §904.02 A recommended search strategy is a couple of the most relevant subclasses, searched by themselves, viewing each document or combined in a text search with a few relevant terms. A larger subset of subclasses can be combined with more search terms.

These strategies should (or rough equivalent thereof) be preformed on a database that includes US Patents, US PG Pubs, Foreign Patents and Non Patent Literature.

Petitioner should review all claim limitation, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarification if deemed necessary.

Regarding to the requirement of MPEP 708.02(a)(I)(2-3) and item II 6.3 above, the Accelerated Examination Support Document (AESD) requires a detailed explanation of how each of the claims are patentable with the particularity required by 37 CFR 1.111(b) and (c).

Namely, point out the specific ***distinctions*** believed to render the claims, patentable over any applied references. The petitioner's "***9(C) Detailed Explanation of Patentability***" statement is not clear and consistent as to how each of the claims is patentable over the references cited.

Petitioner's statement(s) of how certain claimed features are not taught or suggested by each individual reference alone is proper; however the support document fails to discuss how the combination of the references fails to render the claims obvious. Nor does the support document discuss whether any of the claimed features not explicitly taught or suggested by the references can be asserted to be inherent, well-known or to be common knowledge in the art, whereby one could take official notice of these claimed features and thus render certain claimed features as being obvious.

Further, the support document also fails to discuss whether any of the claimed features not explicitly taught or suggested by the references can be asserted any rationale to modify or combine based on or supported by teachings expressly or impliedly of the prior art or that may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law (see §MPEP 2143.02 and §2144.04).

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(5) and items 6.5 above, the Accelerated Examination Support Document is required to provide a showing of where

each limitation of each claim finds support under 35 USC 112, first paragraph, in the written description of the specification.

The petition fails to provide support for each claim (***limitation by limitation***) and to identify each feature (***separately identified***) of each claim with corresponding support in the cited portions of the instant application; rather than pointing to *all Figures* and *substantial portion of the Detailed Description*, namely, paragraphs **[0016-0026]** of the application. This requirement can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents - if applicable) teaches each discrete limitation (without bundling limitations together to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers.

DECISION

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

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

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

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/bp/

/Kim Huynh/

Kim Huynh,
Quality Assurance Specialist

Technology Center 2400
Computer Architecture, Software and Information Security

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FEB 02 2009

TECHNOLOGY CENTER 2100

KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: CRAMER, Keith D. et. al.
Serial No.: **12/121,982**
Filed: May 16, 2008
Docket: ROC920080260US1 (105111)
Title: METHOD FOR AUTOMATICALLY ENABLING UNIFIED COMMUNICATIONS FOR WEB APPLICATIONS

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

This is a decision on the renew petition filed on January 16, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on May 16, 2008. That petition was dismissed in a decision mailed on December 19, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

In response to the decision mailed on December 19, 2008, Petitioner's Request for Reconsideration Letter including: Supplemental Pre-Examination Search Document (PESD), and a Supplemental Accelerated Examination Support Document (AESD), is acknowledged.

DECISION

The renew petition adequately addresses deficiencies noted in the dismissal above-mentioned, particularly, the supplemental PESD, and a supplemental AESD meets the requirements of conditions II. 5.1-5.2, II. 6.3 and II. 6.5, respectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

/bp/

Kim Huynh, Quality Assurance Specialist
Technology Center 2400,
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,982	05/16/2008	Keith D. Cramer	ROC920080260US1 (105111)	7905

78148 7590 02/02/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
FLYNN, NATHAN J

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
02/02/2009	PAPER

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,018	05/16/2008	Thomas Wittenschlaeger	023466.0015US1	7976

24392 7590 07/21/2008
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1050
Irvine, CA 92614-6232

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
07/21/2008	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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WASHINGTON, DC 20231
www.uspto.gov

Robert D. Fish
FISH & ASSOCIATES, PC
2603 Main Street
Suite 1050
Irvine CA 92614

In re Application of:
WITTENSCHLAEGER
Serial No.: 12/122018
Filed: May 16, 2008
Docket: **023466.0015US1**
For: **DISTRIBUTED COMPUTING BUS**

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

This is a decision on the petition filed on May 16, 2008 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 6.1-6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 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.

It is suggested that a search include certain classes that were omitted from the original search. Some suggestions for addition to the scope of the search are 709/224(computer network monitoring), 709/225 (computer network access regulation), 709/226 (Network resource allocation) and 709/244 (decentralized computing).

Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

DECISION

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

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

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

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

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software
571-272-3612

[1] MPEP 8th ed. rev 6 September 2007

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,018	05/16/2008	Thomas Wittenschlaeger	023466.0015US1	7976

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Irvine, CA 92614-6232

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
09/24/2008	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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WASHINGTON, DC 20231
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Robert D. Fish
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2603 Main Street
Suite 1050
Irvine CA 92614

In re Application of:
WITTENSCHLAEGER
Serial No.: 12/122018
Filed: May 16, 2008
Docket: **023466.0015US1**
For: **DISTRIBUTED COMPUTING BUS**

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 21, 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 May 16, 2008 was dismissed in the decision mailed on July 21, 2008.

The renew petition to make the application special is **GRANTED** as the new Search Document meets the requirements of condition II 5.2 that were deficient in the original petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

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APR 0 6 2009

OFFICE OF PETITIONS

Applicant: Haberlein
Appl. No.: 12/122,027
International Filing Date: December 22, 2007
Title: ENZYME CONTAINING COMPOSITION, PROCESS OF PRODUCING SAID COMPOSITION AND ITS USE
Attorney Docket No.: 400.00160102
Pub. No.: US 2008/0213196 A1
Pub. Date: September 4, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 19, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the inventor's name Haberlein is misspelled.

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

The error in the inventor's name on the front page of the publication is not a material mistake as required by 37 CFR 1.221(b). The error in the inventor's name on the front page of the publication is because the Application Data Sheet (ADS) submitted on filing listed as "Haberlein". In accordance with 37 CFR 1.76(d)(2), the ADS governs when inconsistent information is submitted at the same time. See MPEP 601.05.

Furthermore, the misspelling of an inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical

[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).

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 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
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www.uspto.gov

BRACEWELL & GIULIANI LLP
PO BOX 61389
HOUSTON TX 77208-1389

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SEP 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Dubois, et al.	:	
Application No. 12/122,034	:	DECISION ACCORDING STATUS
Filed: May 16, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. TA-00932	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 29, 2008, and supplemented on September 2, 2008.

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

On petition, petitioner has established that inventors Dubois and Drake have refused to sign the application papers. Specifically, petitioner has included copies of written refusals from Dubois and Drake.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The $200 petition fee has been charged to Deposit Account No. 50-0259, as authorized.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARC DUBOIS
312 FOXCRAFT LN
KELLER TX 76248

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SEP 23 2008

OFFICE OF PETITIONS

In re Application of
Dubois, et al.
Application No. 12/122,034
Filed: May 16, 2008
Title: Accurate Image Acquisition for Structured-Light System for Optical Shape and Positional Measurements

LETTER

Dear Mr. Dubois:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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THOMAS E DRAKE JR
2530 RYAN PLACE DR
FORT WORTH TX 76110

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SEP 23 2008
OFFICE OF PETITIONS

In re Application of
Dubois, et al.
Application No. 12/122,034
Filed: May 16, 2008
Title: Accurate Image Acquisition for Structured-Light System for Optical Shape and Positional Measurements

LETTER

Dear Mr. Drake:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JUL 16 2010

OFFICE OF PETITIONS

EVAN LAW GROUP LLC
600 WEST JACKSON BLVD., SUITE 625
CHICAGO, IL 60661

In re Application of	:	
Samuel Chun Lap LO, et al	:	
Application No. 12/122,041	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. WKG04-029-DIV2-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 May 18, 2010.

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

A review of the file record indicates that the power of attorney to Paul E. Rauch, Ph.D. and all the attorneys associated with Customer No. 43320, has been revoked by the assignee of the patent application on May 28, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/122,041	05/16/2008	Samuel Chun-Lap Lo	WKG04-029-DIV2-US

CONFIRMATION NO. 8020

POWER OF ATTORNEY NOTICE

43320
EVAN LAW GROUP LLC
600 WEST JACKSON BLVD., SUITE 625
CHICAGO, IL 60661

OC000000042531810

Date Mailed: 07/13/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

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

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UNITED STATES 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
12/122,041	05/16/2008	Samuel Chun-Lap Lo	WKG04-029-DIV2-US

CONFIRMATION NO. 8020

POA ACCEPTANCE LETTER

OC000000042531873

40614
WILKINSON & GRIST
6TH FLOOR, PRINCE"S BUILDING
CHATER ROAD, CENTRAL
HONG KONG,
HONG KONG

Date Mailed: 07/13/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2010.

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

/dcgoodwyn/

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,076	05/16/2008	Koji Ichikawa	326480US2	8097

7590 08/07/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
NELMS, DAVID C

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
08/07/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073107

Credit Card Refund Total: $510.00

Ac Exp..: XXXXXXXXXXX1080

Adjustment date: 08/07/2009 NFARMER
05/16/2008 INTEFSW 00008325 12122076
02 FC:1111 -510.00 OP

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

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas P. Taylor et al.	:	
Application No. 12/122,080	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 21801.00029	:	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 28, 2009.

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

A review of the file record indicates that the power of attorney to Haynes and Boone, LLP has been revoked by the assignee of the patent application on September 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 until otherwise notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Edmonds Nolte, PC
16815 Royal Crest Drive
Suite 130
Houston, TX 77058

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LATIMER INTELLECTUAL PROPERTY LAW, LLP
P.O. BOX 711200
HERNDON VA 20171

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JUN 0 1 2010

OFFICE OF PETITIONS

In re Application of	:	
AGUIRRE DE CARCER, Giadha et al.	:	
Application No. 12/122,088	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. **GNI-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 April 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Latimer on behalf of all attorneys of record who are associated with customer No. 59241. All attorneys/agents associated with the Customer Number 59241 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 Giadha Aguirre De Carcer at the address indicated below. There is an outstanding Office action mailed April 05, 2010 that requires a reply from 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: **GIADHA DECARCER**
2480 16TH STREET NW
WASHINGTON DC 20009

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GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia PA 19406-0939

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DEC 12 2008

In re Application of	:
Page, et al.	:
Filing Date: May 16, 2008	: ON PETITION
Application No. 12/122,123	:
Atty. Dkt. No.: PA1195C10D1	:

This decision in response to the "PETITION UNDER 37 CFR 1.57(a) FOR ADDITION OF INADVERTENTLY OMITTED SPECIFICATION," filed July 28, 2008 to accord the instant application a filing date of May 16, 2008.

The application was deposited May 16, 2008. The Notice of Incomplete Nonprovisional Application (Notice) mailed May 28, 2008 indicated, *inter alia*, that the application had not been accorded a filing date because the application appeared to have been submitted without a specification as required per 35 USC 112.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the $400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioners state:

> "This application is a Divisional application 10/145,992, filed on May 16, 2002 which is a Continuation Application of No. 09/495,861, filed on February 20, 2000, now

abandoned, which is a continuation of Application No. 08/475,607, filed on June 7, 1995, now abandoned, which is a Continuation of Application No. 08/155,864, filed on November 23, 1993, now U.S. Patent No 5,545,403, which is a Continuation of Application, No. 08/046,893 filed on April 15, 1993, now abandoned, which is a Continuation of Application No. 07/943,146, filed on September 10, 1992, now abandoned, which is a Continuation of Application No. 07/777,730, filed on October 16, 1991, now abandoned. The disclosures of each of these applications was incorporated by reference into the application by way of a preliminary amendment filed May 8, 2008. This application also claims benefit of GB application Nos. 9022543.4 filed 17 October 2000. The benefit claim under 37 CFR 1.78 also appears in the Application Transmittal filed May 16, 2008."

In accordance with 37 CFR 1.57 and MPEP 201.17, the following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

(A) the application must have been filed on or after September 21, 2004;
(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
(C) a claim under 37 CFR 1.55 for priority of a prior filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
(E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition and the amendment under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f);

(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and

(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The instant petition has been carefully reviewed and found in compliance with the conditions and requirements set forth above.

In view thereof, the petition to accord the application a filing date of May 16, 2008 is hereby **GRANTED**.

The required petition fee of $400.00 will not be refunded since the petition was necessary to correct petitioners' filing error.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of May 16, 2008.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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

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SEP 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Kun Li	:	DECISION ON PETITION
Application No. 12/122,136	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. 09131.0036-00000	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on August 11, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

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

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

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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NOV 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Kun Li	:	DECISION ON PETITION
Application No. 12/122,136	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. 09131.0036-00000	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on September 28, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein still cannot be approved since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

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

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

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Kenneth P. Weiss	:	
Application No. 12/122,137	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **W0537-701210**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2009, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2618 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,185	05/16/2008	Derick G. Behrends	ROC920080223US1	8329

78148 7590 07/09/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
2827	

MAIL DATE	DELIVERY MODE
07/09/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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King & Spalding LLP
1180 Peachtree St.
Atlanta, GA 30309

In re Application of:	:	
Derick G. Behrends et al.	:	
Serial No.: 12/122,185	:	DECISION ON PETITION TO
Filed: May 16, 2008	:	MAKE SPECIAL FOR NEW
Attorney Docket No.: ROC920080223US1	:	APPLICATION UNDER 37
Title: METHOD AND APPARATUS FOR MULTI-	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
WORD WRITE IN DOMINO READ SRAMS	:	

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

Regarding conditions II. 5.2 and 5.3, the preexamination search is required to give the claim its broadest reasonable interpretation, encompass all the features of the present claim(s) and encompass disclosed features that may be claimed later. The following classified search areas which were not included in applicant's search have been identified by the examiner as critical search areas: class 365/subclass 154 (for SRAM) and 365/189.08 (for logic arrangement). Any renewed petition should include a search of the above areas. In addition, the text search has been determined by the examiner to be too limiting. Specifically, the term "domino" in the search phrase "domino AND (sram or (static adj1 ram))" with the "AND" Boolean logic, used in search logic 5 for the IBM Technical Disclosure Bulletin database search, is seen as too limiting as it may exclude pertinent references. A broader search term such as "domino or sram$ or flip flop$ or latch$" would be preferable. Search phrases such as "most significant bit or MSB" and "least significant bit or LSB" could be used to further limit the search.

Regarding condition II. 6.2, an identification of ***all the limitations in the claims*** that are disclosed by the reference specifying where the limitation is disclosed in the cited reference is required. It should be specified what claim limitations of the application are met by the reference and where the claimed limitations are disclosed in the reference, as well as which claim limitations are not met by the reference. In the instant case, the examination support document basically states that each of the three cited references has limitation [a] of the claim but not limitations [d]-[f] of the claim. The examination support document is silent concerning limitations [b] and [c] of the claim.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support for the entire claim "is found at least in paragraphs [0015] through [0022], [0025] and [0027] of the specification, as well as in FIGS. 1-2" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the specification. A general description of the invention or a duplication of the entire claim in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings.

DECISION

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

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

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

For the above-stated reasons, the petition is **dismissed**.

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

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,185	05/16/2008	Derick G. Behrends	ROC920080223US1 (105102)	8329

78148 7590 08/28/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
2827	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

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

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

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King & Spalding LLP
1180 Peachtree St.
Atlanta, GA 30309

In re Application of:	:	
Derick G. Behrends et al.	:	
Serial No.: 12/122,185	:	DECISION ON RENEWED
Filed: May 16, 2008	:	PETITION TO MAKE SPECIAL
Attorney Docket No.: ROC920080223US1	:	UNDER 37 C.F.R. § 1.102
Title: METHOD AND APPARATUS FOR MULTI-	:	& M.P.E.P. § 708.2
WORD WRITE IN DOMINO READ SRAMS	:	

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

The renewed petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BOSTON MA 02110

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MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Pilkiewicz et al.	:	DECISION REFUSING STATUS
Application No. 12/122,191	:	UNDER 37 CFR 1.47(a)
Filed: May 16, 2008	:	
Attorney Docket No. TRA-043.02	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 30, 2008.

The petition is dismissed.

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

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

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate that a diligent effort was made to find or locate non-signing inventors Frank G. Pilkiewicz, Roman Perez-Soler and Yiyu Zou, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor.

To date, petitioner has shown that an effort was made to find these inventors through one unsuccessful mailing to each inventor via registered mail. Although this effort was helpful, it did

not constitute a diligent effort. The receipts for the letters do not establish that these were the correct addresses for the inventors and the record does not show any effort to search for possible changes in the inventors' location. The record merely shows that one attempt was made to contact each inventor with no additional searching to ensure that the last known address was likely to be an accurate location for the inventor.

Petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether she has access to the non-signing inventors' personnel records and, if so, what does inspection of the records reveal as to a forwarding address, an address of the nearest living relative, or the address of an emergency contact who may be helpful in locating the inventor? What does inspection of the phone directories for those address locations reveal? If all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Moreover, none of the receipts for the letters suggest that the filed application, including the claims, were received and considered by the inventor such that no response to the letter may be construed as refusal by conduct. When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. The petition suggests that no response to the letters constitutes a refusal to join the application here, but there is no evidence of record that would support this assertion. If there is documentary evidence to support the allegation that the inventors refuse to join the application, such evidence must be submitted. Mere failure to respond to one mailing does not constitute refusal by conduct. Additional attempts to contact the inventors are necessary, and each of these attempts must be to an address or telephone number that searching suggests is the correct contact point for the inventor.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration. Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

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

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

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

Telephone inquiries should be directed to Christopher Bottorff at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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OCT 1 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Pilkiewicz et al.	:	DECISION GRANTING STATUS
Application No. 12/122,191	:	UNDER 37 CFR 1.47(a)
Filed: May 16, 2008	:	
Attorney Docket No. TRA-043.02	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 14, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors cannot be found to join in the filing of the above-identified application.

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

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

This application is being referred to Art Unit 1611 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries should be directed to Christopher Bottorff at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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OCT 1 4 2009

OFFICE OF PETITIONS

Frank G. Pilkiewicz
3 Davenport Drive
Princeton Junction, NJ 08550

In re Application of
Pilkiewicz et al.
Application No. 12/122,191
Filed: May 16, 2008
For: METHODS OF TREATING CANCER WITH HIGH POTENCY LIPID-BASED PLATINUM COMPOUND FORMULATIONS ADMINISTERED INTRAPERITONEALLY

Dear Dr. Pilkiewicz:

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

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

Telephone inquiries regarding this communication should be directed to Christopher Bottorff at (571) 272-6692. 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).

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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OCT 14 2009

OFFICE OF PETITIONS

Yiyu Zou
2569 Laconia Avenue
Bronx, NY 10469

In re Application of
Pilkiewicz et al.
Application No. 12/122,191
Filed: May 16, 2008
For: METHODS OF TREATING CANCER WITH HIGH POTENCY LIPID-BASED PLATINUM COMPOUND FORMULATIONS ADMINISTERED INTRAPERITONEALLY

Dear Dr. Zou:

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

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

Telephone inquiries regarding this communication should be directed to Christopher Bottorff at (571) 272-6692. 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).

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
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BOSTON MA 02110

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OCT 14 2009

OFFICE OF PETITIONS

Roman Perez-Soler
655 6th Avenue, Apt. #5
New York, NY 10010

In re Application of
Pilkiewicz et al.
Application No. 12/122,191
Filed: May 16, 2008
For: METHODS OF TREATING CANCER WITH HIGH POTENCY LIPID-BASED PLATINUM COMPOUND FORMULATIONS ADMINISTERED INTRAPERITONEALLY

Dear Dr. Perez-Soler:

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

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

Telephone inquiries regarding this communication should be directed to Christopher Bottorff at (571) 272-6692. 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).

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

COPY MAILED

JUN 16 2008

In re Application of	:	
HOLLOWAY, et al.	:	
Application No. 12/122,205	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **434C-293 Cont.**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement of inventor Richard R. Muse, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Tushar A. Parlikar, et al.	:	
Application No. 12/122,247	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 0492611-0849 (MIT 13238)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2009.

The request is **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 October 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 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: ROPES & GRAY, LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,288	05/16/2008	Jeffrey Alan Fagan	NIT-18060	8531

40854 7590 06/13/2008
RANKIN, HILL & CLARK LLP
38210 Glenn Avenue
WILLOUGHBY, OH 44094-7808

EXAMINER

ART UNIT	PAPER NUMBER
1714	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

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

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

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In re application of Jeffrey Fagan et al Serial No. 12/122,288 Filed: May 16, 2008 For: CENTRIFUGAL LENGTH SEPARATION OF CARBON NANOTUBES	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 16, 2008, to make the above-identified application special.

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.

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.

DECISION

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete and in condition for examination at the time of filing. Note the Notice to File Corrected Application Papers, mailed June 3, 2008, which required replacement drawings. Note also the 'Accelerated Examination FAQs' located at http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf, which states in part:

> The petition to make special will be denied 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).

For the above-stated reasons, the petition is necessarily 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 Gregory Mills, Quality Assurance Specialist, at (571) 272-1439.

Gregory Mills
Quality Assurance Specialist
Technology Center 1700

RANKIN, HILL & CLARK LLP
38210 Glenn Avenue
WILLOUGHBY OH 44094-7808

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,298	05/16/2008	Keiichi YUI	081651	8545

EXAMINER
SMITH, ZANDRA V

ART UNIT	PAPER NUMBER
2822	

MAIL DATE	DELIVERY MODE
04/24/2009	PAPER

7590 04/24/2009
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 04/27/2009 BPOWELL
05/19/2008 INTEFSW 00001671 12122298
02 FC:1111 -510.00 OP

Adjustment date: 04/27/2009 BPOWELL
05/19/2008 INTEFSW 00001671 12122298
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
04/27/2009 0030069304

Credit Card Refund Total: $510.00

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,302	05/16/2008	Tokiji ITO	326482US26	8553

22850 7590 01/28/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ESHETE, ZELALEM

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
01/28/2010	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

In re Application of: ITO, TOKIJI et al Serial No.: 12/122,302 Filed: May 16, 2006 Docket: 326482US26 Title: ACTUATOR CONTROL APPARATUS AND METHOD	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 26, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Thomas Denion, Art Unit 3748 at 571-272-4859.

Petition is **granted**.

/Henry C. Yuen/

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

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

MAILED

MAY 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Armin SATZ, et al	:	
Application No. 12/122,332	:	DECISION ON PETITION
Filed: May 16, 2008	:	
Attorney Docket No. 1560.2008P50156US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 29, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 30, 2008.

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

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 $2350 extension of time fee submitted with the petition on April 6, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by Treasure Check.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 6, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

MAY 28 2008

In re Application of: Do, Lydia M., et al. Application No.: 12122337 Filed: May 16, 2008 Title: SYSTEM AND METHOD OF DETERMINISTIC TELEPORTATION WITHIN A VIRTUAL WORLD	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 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.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" including pages 1-8; the "accelerated examination support document" comprising pages 1-4, and an Information Disclosure Statement.

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 463 subclasses 31-33, 1, 6, 9, and 15, class 345 subclasses 418, 419 and 474. It appears that there is spot-on relevant prior art in 463/33, at least. Regarding the search terms, additional search terms are suggested: character (avatar is too limiting), and warp: term of art which means the same as teleport; "broader" searches that would include the terms such as "game and teleport" are suggested as well. Applicant's attention is drawn to US Patent Logg Re. 35,314 where it appears that the "warp" feature is equivalent to the presently claimed "teleportation".
It is presumed that all hits revealed in the text searches were carefully reviewed, as the petition does not state affirmatively otherwise.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and*

should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission is not specific enough. Petitioner comments on some limitations of some of the claim and provides direction to areas of the prior art where corresponding bundled limitations may be found. Petitioner does not address each limitation and where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim the presently filed claim (i.e., the claim of the instant application) and by indicating where each limitation of each one of said presently filed claim is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how the claim is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish the claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, applicant chose to bundle a combination of limitations, whereas the mapping unto the prior art performed in section II element 6.2 shows that at least some of the limitations are taught by the prior art. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for the presently filed claim (i.e., the claim of the instant application) which specific limitation(s) in said presently filed claim define(s) over each one of the most closely related references that has been cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

To summarize the deficiencies of elements 6.2 and 6.3 above, each limitation in the claim has to be specifically, distinctly, and uniquely addressed with regard to each one of the cited references.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies

figures and portions of text as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim the presently filed claim and by indicating where the instant application teaches each limitation in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. This requirement does not apply to the present application, and Applicant's statement in this regard should be maintained.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, at (571) 272-4449.

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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Alexandria, VA 22313-1450
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Weitzman Law Offices LLC
425 Eagle Rock Avenue
Suite 102
Roseland NJ 07068

JUL 09 2008

In re Application of: Do, Lydia M., et al. Serial No.: 12/122,337 Filed: May 16, 2008 Title: SYSTEM AND METHOD OF DETERMINISTIC TELEPORTATION WITHIN A VIRTUAL WORLD	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on June 26, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on May 15, 2008 and dismissed in the Office letter of May 28, 2008.

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of May 28, 2008 conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.4 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2, and 6.2, 6.3 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2. However, the petition still fails to meet the requirement of section II: 6.2, 6.3 and 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

In the dismissal of the petition dated May 28, 2008, the Examiner wrote with regard to the requirements of section II: elements 6.2, 6.3, and 6.5:

(With regard to the requirements of section II element 6.2.) "Petitioner's submission is not specific enough. Petitioner comments on some limitations of some of the claim and provides direction to areas of the prior art where corresponding bundled limitations may be found. Petitioner does not address each limitation and where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim the presently filed claim (i.e., the claim of the instant application) and by indicating where each limitation of each one of said presently filed claim is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how the claim is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish the claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, applicant chose to bundle a combination of limitations, whereas the mapping unto the prior art performed in section II element 6.2 shows that at least some of the limitations are taught by the prior art. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for the presently filed claim (i.e., the claim of the instant application) which specific limitation(s) in said presently filed claim define(s) over each one of the most closely related references that has been cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

To summarize the deficiencies of elements 6.2 and 6.3 above, each limitation in the claim has to be specifically, distinctly, and uniquely addressed with regard to each one of the cited references.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element

6.5 can be satisfied by listing verbatim the presently filed claim and by indicating where the instant application teaches each limitation in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. This requirement does not apply to the present application, and Applicant's statement in this regard should be maintained."

Turning now to the merits of the Request for Reconsideration, it is noted that with regard to the requirement of section II, element 6.2, the mapping still lacks specificity. For example, Applicant mapped claim 1 unto Bill (US20080059570 A1) as follows:

Bill teaches a computer implemented method for enabling teleportation (not deterministic

teleportation) within a virtual world (Paragraph [0085]), comprising:
(a) (not disclosed);
(b) (not disclosed);
(c) (not disclosed);
(d) (not disclosed);
(e) (not disclosed);

(d) (not disclosed); and

(f) (not disclosed).

However, it is believed that Bill teaches in paragraphs [0038] and [0039] the invention substantially as claimed. In what follows the text of said two paragraphs is reproduced, followed by a mapping of claim 1 limitations unto Bill.

"[0038] In yet another example, users operating client systems 105c-105d may control their avatars through the use of video with face/gesture/mood tracking software. For example, users operating client systems 105c-105d may configure a desktop video camera to track user actions and expressions in the real world and translate these actions to the avatar actions or moods in the virtual world. Thus, for example, when the user operating client system 105c smiles and waives his hand in front of the webcam, the face/gesture/mood tracking software will detect these actions of the user operating client system 105c and cause his avatar to smile and waive a hand in the virtual world."

"[0039] For mood tracking, users operating client systems 105c-105d may utilize mood tracking techniques described in U.S. application Ser. No. 11/321,063, filed on Dec. 30, 2005, entitled "Mood-based organization and display of instant messenger buddy lists," the entire contents of which are hereby incorporated by reference. For example, users may train a mood tracking software for better mood recognition. To illustrate a training system, a mood tracking software may capture a user's facial image and analyze the user's facial expression as a baseline indicative of the user's mood. The mood tracking software may then present the user with a predicted image/mood indicator. The mood tracking system then may ask the user if the presented image/mood indicator is indicative of the mood felt by the user. Moreover, if the

image/mood indicator is not indicative of expressed mood, the user may advance through a series of images captured during the training session to identify an image associated with the indicated mood. Another example used separately or addition to previously described examples allows a user to identify one or more components in a facial expression indicative of the desired mood (e.g., by allowing the user to highlight a brow structure, a lip structure such as a smile, or an existence of wrinkles in a particular portion). The above examples are only exemplarily and other techniques described in U.S. application Ser. No. 11/321,063 may be used for mood recognition."

The presently filed claim 1 is reproduced below together with the proposed mapping of the limitations unto Bill. Note however, that the location citations refer to the location in the text above (NOT in the PGPub):

1. A computer implemented method for enabling deterministic teleportation (para. 39, ll. 7-8 "The mood tracking software may then present the user with a predicted image/mood indicator." The claimed "deterministic" is read on the "predicted" teaching) within a virtual world (Title: "Enabling an IM User to Navigate a Virtual World"), comprising:

(a) creating an association between a set of user conditions and a set of teleporter exit destinations (para. 39 ll.10-12 "a series of images captured during the training session to identify an image associated with the indicated mood");

(b) storing the association (para 39, l. 6 "capture a user's facial image");

(c) retrieving a set of incoming user conditions when the incoming user's virtual avatar (para 38, ll. 4 and 7) engages a teleporter entrance (para 38, ll. 3-4, "to track user actions and expressions in the real world");

(d) storing the set of retrieved incoming user conditions (para 39, ll. 5-6 "a mood tracking software may capture a user's facial image");

(e) comparing the set of retrieved incoming user conditions to the association (para 39, ll. 6-7 "analyze the user's facial expression as a baseline indicative of the user's mood"); and

(f) selecting a correct teleporter exit destination from the set of teleporter exit destinations corresponding to a data match (para 38, ll. 2-5, "users ... may configure a desktop video camera to track user actions and expressions in the real world and translate these actions to the avatar actions or moods in the virtual world.") between the set of retrieved incoming user conditions (para 38, ll. 5-6 "when the user ... smiles and waives his hand in front of the webcam") and the set of user conditions in the association (para 38, ll. 7-8 "cause his avatar to smile and waive a hand in the virtual world.")

With regard to the requirement of section II: element 6.3, it appears that a lack of specific mapping in response to the requirement of section II, section 6.2 as discussed above, could not have produced an accurate statement of patentability in section 6.3. However, on its own and alone, this deficiency would not have caused at this stage the denial of the petition, as the

decision does not address the accuracy or lack thereof of the patentability argument(s). The evaluation of the patentability statement is solely the domain of the prosecution/examination stage.

With regard to the requirement of section II: element 6.5, the showing of support under 35 USC 112, 1st paragraph lack the required specificity as specifically required in the dismissal of May 28, 2008, and as reproduced above.

DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: elements 6.2, 6.3, and 6.5), the petition 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 accelerated examination in this application will not be entertained.

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 J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,346	05/16/2008	Jessal Murarji		8641

7590 08/12/2008

Mr Jessal Murarji
119 Moira Street
Leicester, LE4 6LD

EXAMINER

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
08/12/2008	PAPER

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

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Mr. Jessal Murarji
119 Moira Street
Leicester LE4 6LD
Great Britian

In re Application of	**: DECISION ON REQUEST TO**
Jessal MURARJI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/122,346	**: PROSECUTION HIGHWAY**
Filed: 16 May 1008	**: PILOT PROGRAM AND PETITION**
Attorney Docket No.:	**: TO MAKE SPECIAL UNDER**
For: GAS SAMPLER FOR VAPOUR DETECTORS	**: 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 16 May 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: (2) The UK IPO application to have at least one claim that was determined the by UK IPO to be allowable/patentable.

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

There are no claims that have received a final indication of allowability or patentability in the application before the UK IPO. Further, that application will not receive such a determination prior to the expiration of one month from the mailing date of this DECISION. In view of these facts Mr. Murarji, a *pro se* inventor, was contacted and he requested that the petition to participate in the Patent Prosecution Highway be withdrawn, and that he be permitted to refile it at a later time. This request has been submitted as a part of the response to missing parts, filed 7/26/08.

Applicant has ONE (1) further opportunity to perfect the request to participate in the Patent Prosecution Highway pilot program. If perfected, the request and special status will be granted, applicant will be notified and the U.S. application will be advanced out of turn for examination. No time period is set for response to this Dismissal.

Response must be submitted using EFS-Web and indexed as PPH.PET.652. Information regarding EFT-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision upon satisfactory response to the Notice to File Missing Parts, mailed 30 May 2008.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,346	05/16/2008	Jessal Murarji		8641

7590 05/19/2009

Mr Jessal Murarji
119 Moira Street
Leicester, LE4 6LD

EXAMINER
ROGERS, DAVID A

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
05/19/2009	PAPER

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Mr. Jessal Murarji
119 Moira Street
Leicester LE4 6LD
Great Britian

In re Application of	**: DECISION ON REQUEST TO**
Jessal MURARJI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/122,346	**: PROSECUTION HIGHWAY**
Filed: 16 May 1008	**: PILOT PROGRAM AND PETITION**
Attorney Docket No.:	**: TO MAKE SPECIAL UNDER**
For: GAS SAMPLER FOR VAPOUR DETECTORS	**: 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 16 May 2008, to make the above-identified application special.

The request and petition are **Denied**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require: (4) Examination of the U.S. application for which participation in the PPH pilot program is requested has not begun..

This request to participate in the PPH pilot program and petition is assessed as follows:
At least condition 4 has not been satisfied. This application has received an office action by the examiner on 07 May 2009. This application will remain in its regular status and prosecution shall continue in its regular course.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,349	05/16/2008	Yukio Konishi	EAW-003	8645

959 7590 06/28/2010
LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER
NGUYEN, HUNG Q

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
06/28/2010	PAPER

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

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of:
KONISHI, YUKIO et al
Serial No.: 12/122,349
Filed: May 16, 2008
Docket: EAW-003
Title: WATER-JACKET STRUCTURE FOR WATER-COOLED INTERNAL COMBUSTION ENGINE

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 25, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Michael Cuff, the SPE of Art Unit 3741, and 571-272-6778 for Class 123/41.72 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,372	05/16/2008	Tomoki Hashimoto	40070277-02	8690

7590 12/03/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
HE, AMY

ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/02/2009 NFARMER
05/19/2008 INTEFSW 00002130 501078 12122372
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

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OFFICE OF PETITIONS

In re Application of	:	
Nathan J. HARDER, et al	:	
Application No. 12/122,374	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 66015.000007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2009.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not the most current address of: (1) the first named inventor; or (2) an assignee of the entire interest who properly became of record under 37 C.F.R 3.71.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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MARSHALL, GERSTEIN & BORUN LLP (FISHER)
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
James L. Gossett, et al.	:	
Application No. 12/122,376	:	DECISION GRANTING PETITION
Filed: May 16, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06005/39643A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 2, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3753 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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JUN 29 2009

OFFICE OF PETITIONS

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

In re Application of	:	
Frank G. Pilkiewicz et al.	:	DECISION ON STATUS
Application No. 12/122,397	:	UNDER 37 CFR 1.47(a)
Filed: May 16, 2008	:	
Attorney Docket No. TRA-045.02	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed December 30, 2008.

The petition is **DISMISSED.**

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor (See MPEP § 409.03(e)). Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Yiyu Zou, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate the non-signing inventor Yiyu Zou. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. Additionally, petitioner should state whether he has access to inventor Zou's

personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? The instant petition fails to document the steps taken to locate the whereabouts of the non-signing inventor. *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration. When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted. Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

A petition under 37 CFR 1.47(a) requires a fee of $200 under 37 CFR 1.17(g) and has been charged to the Deposit Account 06-1448, as authorized in the instant petition.

Telephone inquiries regarding this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,448	05/16/2008	Robert H. Bell JR.	TUC920080064US1 (105092)	8850

78148 7590 08/29/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
SPARKS, DONALD ALAN

ART UNIT	PAPER NUMBER
2187	

MAIL DATE	DELIVERY MODE
08/29/2008	PAPER

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

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In re Application of: BELL et al. Serial No.: 12/122,448 Filed: May 16, 2008 Docket: TUC920080064US1 (105092) Title: SYSTEM AND METHOD FOR CACHING 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 May 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 – I.4, II.1 – II.4, II.6.1, II.6.4, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5, II.6.2, II.6.3, and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to item **II.5.1 and II.5.2** above, petitioner is required to provide keywords and phrases encompassing limitations of each claim including those deemed by the applicant as patentable features distinguishing the claimed invention from the cited prior art used in any database search. The preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims.

The guidelines for Applicants under the New Accelerated Exam Proc states as follows in Part I item 8 section 2.: A text search of the US patents and published patent applications that covers the subject matter of the independent claims using terms recognized in the art given their broadest reasonable interpretation. The search should consider **individual features by themselves and combinations of features**. The search should cover the **broadest scope encompassed by the claims as well as claims of narrow and intermediate breadth**.

Specifically and with respect to items 5.1 - 5.2 above, on the class/subclass search, given the total number of patents in all the class/subclasses listed as searched, **Petitioner should clarify if a limited classified search was conducted, and if so, how it was limited. Otherwise, a mere listing of class/subclass will be taken as a representation that all of the documents were reviewed in their entirety. Further Applicant must include subclass 711/113, "Caching" in the search. Class/Subclass 711/144 "Cache status data bit:", and 711/145 "Access Control Bit" are** also expected to provide some relevant art.

Further, with respect to item II.5.2 above, petitioner is required to provide keywords and phrases encompassing limitations of each claim including those deemed by the applicant as patentable features distinguishing the claimed invention from the cited prior art used in any database search. Petitioner should review all claim limitations, especially those believed to be patentable distinctions from the cited references to ensure that the search covered these concepts, and update the search and/or provide any clarifications if deemed necessary.

Additionally, the "Identification of the Limitations of the claims Disclosed by the Disclosed references" and the "Explanation of Patentability" sections in the Examination Support Document indicate that the none of the references that were cited to be most closely related to the claimed invention disclose any of the features of the claimed invention. A review of the search terms provided, indicates that the features recited to contribute to the patentability of the invention, have not been included in the search.

Further, the terms used in the search logic are seen as individually too broad or too specific, and there is no indication of their being used in any combination similar to that of the claims, and do not provide evidence that the search encompasses a broadest reasonable interpretation of the claims. The proximity operators used ("and", "or") do not place any valid relationships between words in the search, in keeping with the claimed invention, other than being found in the same document, and are seen to be inadequate. While applicants have searched for words like "Cach$", "hint$", "value$", etc., applicants have not searched for synonyms or variations of these and other terms that appear in the claim language. Further, features such as

> "the hint value comprising one of: likely to be accessed, may be accessed, and unlikely to be accessed, wherein assigning the hint value comprises the steps of: counting the number of accesses to each of the page", "determining whether the

page is pinned in the first memory area", "determining whether a page fault has occurred and the faulted page is the least-recently-used page"

have not been included in the pre-examination search, though they are listed as the distinguishing features in the Explanation of Patentability section. Without including the further improvements to the search as outlined above, the search is not seen as encompassing the broadest reasonable interpretation of the claims as required, and thus the search is seen as being inadequate. **Petitioner should review all claim limitations, especially those believed to be patentable distinctions from the cited references to ensure that the search covered these concepts, and update the search and/or provide any clarifications.** Examples of a properly documented search are available at http://www.uspto.gov/web/patents/accelerated/ae_presearch_sample.doc. **Any reference which teaches any portion of the limitation must be so identified even if the reference does not teach the entirety of the limitation.**

In addition, petitioner should **review the Identification of Limitations disclosed by References and the Detailed Explanation of Patentability** sections **in view of updated search, and changes and clarifications, and provide clarifications, as necessary, to ensure compliance with the requirement of items 6.2 and 6.3 above.**

This additional search area was confirmed with a Primary examiner in the pertinent art area (Class 711). Clarification is required.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item **6.2 above**, the Accelerated Examination support Document only provides a general discussion of the references that was cited to be pertinent to the claimed invention, and reproduces the complete claim language as being not taught by the reference(s). Applicant should provide a claim-by-claim mapping of the pertinent subject matter disclosed in each of the references, **specifically identifying each claim limitation and corresponding disclosure within the reference, citing to specific relevant portions of each reference. Any reference which teaches any portion of the limitation must be so identified even if the reference does not teach the entirety of the limitation.). Applicant is required to correlate the limitation to the portion of reference which best characterizes the limitation**

Further, the limitations "

"a disk operative to store a plurality of pages of data; and
a cache memory operative to store at least one of the pages;
providing a processor blade, comprising:
a first memory area configured to store at least one of the pages; and
a second memory area configured to store an address of each of the pages and a hint value that is assigned to each of the pages;
storing an address of each of the pages in the second memory area;
.....
determining whether the page is stored in cache memory; storing the page in cache memory in response to determining that the page is not stored in cache memory and that the hint value is one of likely to be accessed and may be accessed; and
removing the page from cache memory in response to determining that the page is stored in cache memory and that the hint value is unlikely to be accessed."

have not been recited to be taught by any of the cited references. However, they are not listed in the "Explanation of patentability" section as being features that distinguish the claimed invention over the cited prior art. Hence it is not clear if the above claim limitations are taught by the cited references or not. Clarification is required.

In addition, petitioner should **review the Identification of Limitations disclosed by References and the Detailed Explanation of Patentability** sections **in view of the remarks above, and provide clarifications, as necessary, to ensure compliance with the requirement of items 6.2 and 6.3 above**.

Regarding the requirement of MPEP § 708.02(a)(I.)(I) and **item II 6.3 above**; the Accelerated Examination Support Document (AESD) does not provide a detailed explanation of how each of the claims are patentable with the particularity required by 37 CFR 1.111(b) and (c). In section 9(C) of the AESD, petitioner asserts that "all of the references identified above" fail to teach or suggest the identified limitations; thus concluded that the claims are patentably distinguished over the references alone or in combination.

By identifying all limitations as those limitations that the reference(s) do not show or suggest, the petition fails to discuss the claimed limitations with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). That is, the petition does not <u>specifically</u> properly <u>compare/contrast</u> the claimed invention with respect to the relevant teachings in the prior art in the identified references. A general allegation that "all of the references fail to at least teach ... and therefore patentably distinguish over each of the references alone or in combination" does not comply with the requirements. Petitioner fails to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of MPEP § 708.02(a)(I.)(I)(3). Petitioner is requested to clearly point out claim limitations not taught by any of the references and how the limitations are patentably distinguished over the references cited alone or in combination.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item **6.5** above, the Accelerated Examination Support Document is **required to show where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification**. The AESD identifies Figs. 1-6, and paragraphs [0015]-[0060] to teach all the claim limitations of the only claim, without identifying any claim limitation and corresponding support in the cited portions of the specification/drawings. **Applicant must identify portions of text in the specification by page and line number, and specific elements of figure, where applicable, for each of the claim limitations, as providing support under 35 U.S.C. 112, First paragraph**. A clarification and identification of support for each limitation of each claim is required.

DECISION

For the above-stated reasons, the petition is **<u>dismissed</u>**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Mano Padmanabhan, at (571) 272-4210. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

/Mano Padmanabhan/

Mano Padmanabhan,
Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,448	05/16/2008	Robert H. Bell JR.	TUC920080064US1 (105092)	8850

78148 7590 12/30/2008
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EXAMINER
SPARKS, DONALD ALAN

ART UNIT	PAPER NUMBER
2187	

MAIL DATE	DELIVERY MODE
12/30/2008	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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1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: BELL et al. Serial No.: 12/122,448 Filed: May 16, 2008 Docket: TUC920080064US1 (105092) Title: SYSTEM AND METHOD FOR CACHING 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 September 29, 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 May 16, 2008, was dismissed in the decision mailed on August 29, 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 Mano Padmanabhan at (571) 272-4210. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

/Mano Padmanabhan/

Mano Padmanabhan
WQAS Technology Center 2100
Computer Architecture, Software, and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,450	05/16/2008	Pascal Grenier	SCI 100 CON	8858

23579 7590 06/05/2008
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EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
06/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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23579
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400 Colony Square, Suite 1200
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JUN 0 5 2008

In re Application of	:
Kappenlen et al.	: DECISION ON PETITION TO MAKE
Serial No.: 12/122, 450	: SPECIAL FOR NEW APPLICATION
Filed: May 16, 2008	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: SCI 100 CON	: § 708.02

This is a decision on the petition filed on May 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement 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 Dave T Nguyen, Technology Center Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen
TQAS TC 1600

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1545 PEACHTREE STREET NE
SUITE 320
ATLANTA GA 30309

MAILED

JAN 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Grenier et al.	:	DECISION ON PETITION
Application No. 12/122,450	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. SCI 100 CON	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 6, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on November 6, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. Therefore, 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 May 29, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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SEP 02 2008

In re Application of	:	
Norman Stone	:	
Application No. 12/122,463	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RR-660	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 26, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's birth certificate proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,492	05/16/2008	Bunji Mizino	061282-0344	8952

53080 7590 07/30/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
07/30/2008	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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CST

7-30-08

In re application of Bunji Mizuno et al Serial No. 12/122,492 Filed: May 16, 2008 For: IMPURITY INTRODUCING APPARATUS AND IMPURITY INTRODUCING METHOD	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 16, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-4, are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 156, subclasses 345.32 and 345.31 is also required.

The statement showing support for the present claims on page 64 of the Accelerated Examination Support Document (AESD) is not sufficient. It is required that petitioner provide a showing of where each limitation of each of the claims finds support under 35 USC 112, first paragraph, in the written description of the present application, as well as parent application 11/887,371. It is noted that petitioner has provided a showing of where each limitation of each of the claims finds support in the written description of PCT/JP06/306564 and Japanese application 2005-099150.

Therefore, 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 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 Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,576	05/16/2008	Kazuo Sato	FY.07467US0A	9135

7590 04/10/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
WAKS, JOSEPH

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
04/10/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/09/2009 BPOWELL
05/19/2008 INTEFSW 00003542 12122576
02 FC:1111 -510.00 OP

Refund Ref:
04/09/2009 0030068594

Credit Card Refund Total: $510.00

Ag Exp..: XXXXXXXXXXX1152

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,584	05/16/2008	Cornelis P. van Dam	007185.00019	9147

22907 7590 02/19/2010
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:	
VAN DAM, CORNELIS P. et al	:	DECISION ON PETITION
Application No. 12/122,584	:	TO MAKE SPECIAL UNDER
Filed: May 16, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 007185.00019	:	PILOT PROGRAM
Title: WIND TURBINE WITH DEPLOYABLE AIR DEFLECTORS		

This is a decision on the petition under 37 CFR 1.102, filed January 30, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face

that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) #1. In regard to item 1, petitioner should note that this application has been classified in an area (USPC 416/023.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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SAWYER LAW GROUP LLP
2465 E. BAYSHORE ROAD, SUITE NO. 406
PALO ALTO CA 94303

MAILED

JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Thomas	:	
Application No. 12/122,596	:	DECISION ON PETITION
Filed: May 16, 2008	:	
Attorney Docket No. 08-02-13086/2-4598P	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 4, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 5, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and Replacement drawings, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Petitioner has submitted an unnecessary $130.00 surcharge fee with the instant petition that will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DALE F. REGELMAN
QUARLES & BRADY, LLP
ONE SOUTH CHURCH AVENUE AVE, STE. 1700
TUCSON AZ 85701-1621

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of :
Tashiro, et al. :
Application No. 12/122,604 :
Filed: May 16, 2008 :
Attorney Docket No. WOLFSONG 07.01 :
For: ADAPTIVE INTERVENTION AND MANAGEMENT METHOD FOR HEALTHCARE ORGANIZATIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 13, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed June 2, 2008, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on August 3, 2008. A Notice of Abandonment was mailed on February 9, 2009.

Applicants have submitted a proper reply to the June 2, 2008 Notice in the form of an executed declaration, replacement drawings, and $65.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the June 2, 2008 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
MOW, Matthew et al.	:	
Application No. 12/122,610	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. **56398-2200**	:	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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SNELL & WILMER L.L.P. (Panasonic)**
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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.
12/122,620	05/16/2008	Steve Horton	X000-P07333US	9232

33356 7590 06/20/2008
SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

EXAMINER

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
06/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FROM DIRECTORS OFFICE

JUN 19 2008

TECHNOLOGY CENTER 3600

SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD., STE 120
WESTLAKE VILLAGE, CA 91362

In re application of
Ervolina et al.
Application No. 12/122,620
Filed: May 16, 2008
For: CUSTOMER SERVICE MARKETING

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on May 16, 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 conditions II.5.1, II.5.2, II.6.1, II.6.2 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 705/14. In order to comply with this requirement, follow the search template guidance provided by

http://www.uspto.gov/web/patents/searchtemplates/class705-014.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 text search is overly narrow and is the terms "customer relationship management" and "customer service marketing" add very little value when the claims are drawn to developing or selecting and offer to a customer based on a rating or scoring of multiple factors.

It may help applicant to use synonyms to search the broadest reasonable interpretation of the claims. For example, related terms to search term "score" could be rating, priority, preference, and importance. The term "select$" could be recommend$ or match$. The search term "customer near2 profile" might also be helpful because many of the specific criteria in the claim may be included in a customer profile and a customer profile could be easily modified to add features.

When applicant revises section 6.3, the claim features that applicant has deemed to read over the prior art should be specifically searched.

In addition to the search terms provided, a starting point for a possible search string for claim 1, the following is provided. Plurals on.

Line 1 customer near2 profile
Line 2 score or rating or rated or priorit$ or preference or importance
Line 3 (select$ or recommend$ or match$) near5 offer
Line 4 eligibility and L1
Line 5 qualification and L1
Line 6 propensity and L1
Line 7 value and L1
Line 8 trend and L1
Line 9 (historic or history) and L1
Line 10 L1 and L2 or L1 same L2
Line 11 combine L3 with L1 or L2 or L10 depending on what makes sense

This is just a sample search and copying this search will not comply with the requirement. It is assumed that an actual search would be customized for each independent claim, would include separate searches for dependent limitations for obviousness consideration and would 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/

As per conditions II.6.1 and II.6.2, 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 and 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.

Applicant has provided a single IDS and has chosen one reference deemed most closely related to the subject and has identified the claim limitations disclosed by the one reference. All the references in the IDS supporting the petition must be cited for the claim limitations that are disclosed in order to be compliant.

In order to comply, applicant may do either of the following:

1) Submit two separate IDSs. One clearly marked as the IDS in support of the petition with the reference or references which have been deemed most closely related to the subject matter. Condition II.6.2 will be met if each reference in this IDS is discussed. The second IDS, not in support of the petition, will be submitted per applicant's duty to disclose related prior art.

2) Append section 9 (B) of applicant's AE support document to incorporate each reference in the current IDS.
See http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf, question IDS 3. for more guidance.

For condition II.6.3, just as a note the quoted claim language for patentability is in claims 8 and 15. Claim 1 has slightly different language (broader). This section may have to be revised if further references are disclosed base on a new search

For condition II.6.5, an accelerated examination support document must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. 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

Applicant has not identified the support for all the claim limitations. This includes all the claims and the dependent claims.

Applicant has not identified the support for all the claim limitations in applications of which the current application claims the benefit.

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/06/19/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/122,620	05/16/2008	Steve Horton	X000-P07333US	9232

33356 7590 08/14/2008
SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

EXAMINER

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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AUG 1 3 2008

TECHNOLOGY CENTER 3600

SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE CA 91362

In re application of
Horton et al.
Application No. 12/122,620
Filed: May 16, 2008
For: CUSTOMER SERVICE MARKETING

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on July 21, 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 May 16, 2008. That petition was dismissed in a decision mailed June 20, 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 July 21, 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 July 21, 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 a 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:

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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
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
PR Newswire
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts
Wilson Applied Science & Technology Abstracts

It is noted that the nature of business methods applications requires a thorough search in non-patent literature pertinent to the features of the invention. The Dialog databases listed in the search templates have been grouped according to their business and technology-related content and identified as having subject matter relevant and pertinent to their associated USPTO classification. As such, a search of the databases identified in the template associated with the classification of the invention is considered an important search. Since it appears that applicant only searched one database from the over 30 databases listed in the search template, Condition II.5.1 has not been satisfied.

Furthermore, 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.

The dismissal also indicated that applicant's text search was overly narrow and suggested the use of synonyms to search the broadest reasonable interpretation of the claims. However, the updated text searches do not appear to make use of synonyms and continue to use overly narrow terms. For example, the updated searches used in the ACM files just use the terms "cross-sell," "recommendation and commerce," "sell" and "call center."

Additionally, the dismissal indicated that claim features deemed patentable by applicant should specifically be searched. Since the broadest reasonable interpretation was not searched, and because the claim features identified as patentable were not searched (e.g., the compendium score based on analysis of at least three criteria was indicated as a patentable feature in the updated support document, but was not searched in the updated search document), Condition II.5.2 has not been satisfied.

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 Robert Weinhardt at (571) 272-6633 or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/8/13/08

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
GRIGSBY, TRAVIS M., et al.
Serial No.: 12/122,649
Filed: May 16, 2008

Title: **METHOD AND SYSTEM FOR TRANSITIVE TURN SIGNAL AND BRAKING INDICATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 16, 2008 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 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because section 9(F) fails to include a showing of where ***each limitation of the claim*** finds support under the first paragraph of 35 USC 112 in the written description of the instant specification. Petitioner provides a broad statement that support is shown for claim 1 and identifies steps 310-380 in figures 3 and 4, without providing any indication of a showing where each specific claim limitation finds support in the written description of the specification for the claim. Upon closer review of figures 3 and 4, the steps identified, steps 310-380, only broadly encompass some of the limitations claimed. For example, there is no indication in the figures of monitoring a remote signal selected from the group of interrupted, changed brightness, and steady as claimed Nor is there an indication of activating a local optical signal as claimed. Other detailed limitations of the claim are also not clearly identified. Clarification is required.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
GRIGSBY, TRAVIS M., et al,
Serial No.: 12/122,649
Filed: May 16, 2008

Title: **METHOD AND SYSTEM FOR TRANSITIVE TURN SIGNAL AND BRAKING INDICATION**

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 July 08, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed June 17, 2008 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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OFFICE OF PETITIONS

Juneau Partners
P.O. Box 2516
Alexandria, VA 22301

In re Application of	:	
Sasan Ardalan	:	
Application No. 12/122,663	:	DECISION ON PETITION
Filed: May 17, 2008	:	
Attorney Docket No. WIR-SAS-915-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed July 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2008. A Notice of Abandonment was mailed on March 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a listing of claims and abstract (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 14, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Ling et al.	:	
Application No. 12/122,678	:	ON PETITION
Filed: May 17, 2008	:	
Attorney Docket No. 022720.0163PTUS	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration and $65.00 late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,175.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2878 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO CA 95014

In re Application of
Wang et al.
Application No. 12/122,750
Filed: May 19, 2008
Attorney Docket No. Vimicro-139

ON PETITION

This is a decision on the "Petition Under 37 CFR 1.182", filed June 24, 2008, requesting amendment of the application to include inadvertently omitted figures 1-7B as described in specification.

The petition is **dismissed**.

The application was filed on June 13, 2008. However, on June 30, 2008, the Office of Patent Application Processing mailed a Notice of Omitted Items ("Notice"), noting, *inter alia*, that a filing date had been accorded the application.

In response to the Notice, Applicant filed a new set of drawings and the instant petition. Petitioner states that the incorrect drawings were submitted upon filing.

Applicant is advised that a petition is not necessary in this instance to add the omitted portions of the drawings.

The MPEP 201.17 states that

> In addition to filing the amendment to add the inadvertently omitted material, applicant is also required to: (A) supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111; (B) supply an English-language translation of any prior-filed application that is in a language other than English; and (C) identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s).

However, where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s).

The Manual of Patent Examining Procedure ("MPEP") also provides that

> ...37 CFR 1.57(a) was added to provide a safeguard for applicants when a page(s) of the specification, or a portion thereof, or a sheet(s) of the drawing(s), or a portion thereof, is inadvertently omitted from an application, such as through a clerical error. 37 CFR 1.57(a) applies to applications filed on or after September 21, 2004. 37 CFR 1.57(a) permits inadvertently omitted material to be added to the application by way of a later filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in a prior-filed application (for which priority/benefit is claimed) even though there is no explicit incorporation by reference of the prior-filed application. *See* MPEP § 201.17 for discussion regarding 37 CFR 1.57(a). *See* MPEP § 601.01(p). (Emphasis supplied).

MPEP 201.06(c)(IV)(B).

No petition is required.[1] The Amendment to include the inadvertently omitted portions of the specification filed June 24, 2008, will be considered by the Examiner in due course.

The application will be returned to the Office of Patent Application Processing for pre-exam processing, with a filing date of May 19, 2008, using the application papers filed on that date.

Telephone inquiries concerning this matter should be directed Attorney Charlema Grant at (571) 272-315.

Anthony Knight
Supervisor
Office of Petitions

[1] However, when a petition is requested a petition fee is required and will not be refunded.

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LAW OFFICE OF DAVID H. JUDSON
15950 DALLAS PARKWAY
SUITE 225
DALLAS TX 75248

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OFFICE OF PETITIONS

In re Application of:
Timothy Weller et al.
Application No. 12/122,764
Filed: May 19, 2008
Attorney Docket No. AKAM-075C2

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Terminal Disclaimer and an IDS; (2) the petition fee of $1,620.00; and (3) an adequate statement of unintentional delay. Accordingly, the response to non-final office action filed on February 4, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Shahid Alam at (571) 272-6052 or in his absence to the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2453 for appropriate action on the concurrently filed amendment.

David A. Bucci
Petitions Examiner
Office of Petitions

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David L. Mossman
Mossman, Kumar and Tyler
Attorneys at Law
11200 Westheimer, Suite 900
Houston TX 77042

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OFFICE OF PETITIONS

In re Application of :
Huang :
Application No. 12/122,854 : DECISION ON PETITION
Filed: May 19, 2008 :
Attorney Dkt. No.304-46080-US :
Title: Methods of Underground Formation Consolidation

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed May 5, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of October 2, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on January 3, 2009.

Petitioner contends that the Office action of October 2, 2008 was never received.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." See, 37 CFR 1.137(a)(3).

Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

Petitioner has failed to meet item (3) of the above requirements.

Petitioner should provide the date that the petitioner's address changed and a statement that the change of address did not result in the non receipt of the Office action.

Petitioner is reminded, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

If petitioner cannot supply the evidence necessary, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David L. Mossman
Mossman, Kumar and Tyler
Attorneys at Law
11200 Westheimer, Suite 900
Houston TX 77042

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SEP 08 2009

OFFICE OF PETITIONS

In re Application of
Huang
Application No. 12/122,854
Filed: May 19, 2008
Attorney Dkt. No.304-46080-US
Title: Methods of Underground Formation Consolidation

DECISION ON PETITION

This is a decision on the renewed petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 17, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of October 2, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on January 3, 2009. A decision filed under 37 CFR 1.137(a) was dismissed on June 8, 2009.

Petitioner contends that the Office action of October 2, 2008 was never received.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." See, 37 CFR 1.137(a)(3).

Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

Petitioner has failed to meet item (3) of the above requirements. Petitioner has failed to establish that the delay in submitting the reply to the October 2, 2008 Office action was unavoidable within the meaning of 37 CFR 1.137(b). Since petitioner contends that the failure to respond to

the Office action was due to the failure to receive the action, petitioner must establish that the Office action was not received. The requirements to establish non-receipt of an Office action are provided on page 3 of the instant decision.

Although petitioner states that a master docket was being provided with the petition, the Office is in only in receipt of a two-page document, which appears to be an individual docket record for application 12/122,854. Petitioner has failed to provide master docket records for the firm. Further, petitioner does not state that a master docket does not exist. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three-month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mossman, Kumar and Tyler, PC
11200 Westheimer Road
Suite 900
Houston TX 77042

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of :
Tianping Huang. :
Application No. 12/122,854 :
Filed: May 19, 2008 :
Attorney Docket No. 304-46080-US :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137 (a), filed October 23, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of October 2, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on January 3, 2009. Petitions filed under 37 CFR 1.137(a) were dismissed on June 8, 2009 and September 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment (2) the petition fee of $540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to Art Unit 3676 for processing of the reply submitted with the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commerical Street
Manchester, NH 03101

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APR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Sun Hwan Joe	:	
Application No. 12/122,913	:	DECISION ON
Filed: May 19, 2008	:	PETITION TO WITHDRAW
Attorney Docket No. JWI128	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 6, 2009.

The request is **APPROVED**.

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 Donald J. Perreault on behalf of attorney/agents associated with customer number 32047. All attorneys/agents associated with customer number 32047.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the inventor at the first copied address below, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents and a Statement under 37 CFR 3.73(b) must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Sun Hwan Joe
Taehwa Apt. #606-307
915-I Jakjeon-dong
Gyeyang-gu, Incheon-si
Republic of Korea

cc: Sunstar Precision Co., Ltd.
178-67
Gajwa-dong, Seo-gu
Incheon, Republic of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/122,913	05/19/2008	Sun Hwan Joe	JWI128

CONFIRMATION NO. 9812

POWER OF ATTORNEY NOTICE

32047
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

OC000000035625784

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 29 2009

OFFICE OF PETITIONS

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

In re Application of	:	
Richard D. Harris	:	DECISION ON PETITION
Application No. 12/122,930	:	TO WITHDRAW
Filed: May 19, 2008	:	FROM RECORD
Attorney Docket No. 5510-081561	:	

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 1, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Nathan J. Prepelka, on behalf of all practitioners of record who are associated with Customer Number 28289.

All attorneys/agents associated with the Customer Number 28289 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: RICHARD D. HARRIS
12 SPRING RUN ROAD
GREENSBURGH, PA 15601

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/122,930	05/19/2008	Richard D. Harris	

CONFIRMATION NO. 9856

POWER OF ATTORNEY NOTICE

28289
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

OC000000038019457

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

Mail Date: 04/20/2010

Applicant	: Ramon C. DeZutter	: DECISION ON REQUEST FOR
Patent Number	: 7601243	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/122,934	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/19/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **24** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,004	05/19/2008	ROBERT T. CATO	RPS920080113US1	1002

75339 7590 09/11/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER
LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
09/11/2008	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.

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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PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

In re Application of: Robert T. Cato Serial No.: 12/123,004 Filed: May 19, 2008 Attorney Docket No.: RPS920080113US1 Title: ENABLING SAFE USE OF HIGH POWER LASER FOR LASER MARKING IN A FREE SPACE ENVIRONMENT	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(a).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The pre-examination search must:

5.1. involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.4; and condition II.6.4 above. However, the petition does not meet conditions II.5, II.6.1-II.6.3 and II.6.5-II.6.6 above.

Regarding the conditions set forth in II.5 above, the statement of preexamination search indicates that US classes 235 and 283 and IPC class G06K were searched and that the search logic "visible marking method superposed or adjacent a barcode indicating that the item has already been scanned; marking done using a powerful laser" was used. While it is possible that applicant performed a classified search of all the subclasses included in these classes (i.e., reviewed every patent in all the subclasses of an entire class), it is more likely that the statement indicates that a text search of those classes was performed using the cited search logic. Consequently, it is not apparent that a classified search was performed. Therefore, a classified search should be performed and the field of search should include at least class 702, subclass 127, to cover the subject matter being claimed.

Regarding the search logic used in the text search, the statement of preexamination search should indicate the actual search logic used as a query. While the reported search logic "visible marking method superposed or adjacent a barcode indicating that the item has already been scanned; marking done using a powerful laser" is descriptive, it does not appear to be effective as a search query.

Regarding the conditions set forth in II.6 above, the accelerated examination support document (AESD) supplied by petitioner does not satisfy the requirements set forth in subsections 6.1, 6.2, 6.3 and 6.5. The support document is required to discuss ***each reference*** cited on the IDS. The support document, however, discusses only five of the references cited on the IDS filed on May 19, 2008. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant should submit such references in a ***separate*** IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. ***Accordingly, applicant should provide an IDS listing only the three discussed references and should identify the IDS as part of the AESD***. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. See "IDS 3" in "Accelerated Examination FAQ's" available on the USPTO website at www.uspto.gov/web/patents/accelerated/.

Regarding the condition set forth in II.6.2 above, the support document is required to identify all the limitations in the claims that are disclosed by the reference specifying where those limitations are disclosed in the cited reference. The support document, however, fails to clearly identify the claim limitations that are disclosed by each of the references. For example, the support document states that Cato et al. (US 5,229,593) teaches with respect to claims 1, 4, and 7,

"terminating the marking processing within a safety period of time when an unacceptable change is detected in the portion of the field of view being monitored (Abstract; Title; Col 3, ln 7 to Col 4 line 7), wherein the unacceptable change comprises at least one of an appearance of an item within the field of view, a removal of an item from the field of view, a change of position of an item within the field of view, a presence of an unexpected heat bloom in the field of view, a presence of a predefined level of smoke in the field of view, a presence of fire in the field of view." However, it is not clear that Cato et al. teaches a marking process. Nor is it clear that Cato et al. teaches all of the recited unacceptable changes. The support document should clearly indicate which of the claimed limitations are disclosed in the reference. On the other hand, the support document states that Cox (US 7,108,183) teaches with respect to claims 1, 4, and 7, "commencing a marking process (Abstract; col 1, ln 50 to col 2, ln 28) ..." The support document fails to indicate that Cox teaches the claim limitation of "using a laser source of the marking system" in col. 3, lines 48-52. In addition, the support document states that McQueen (US 6,932,273) teaches "monitoring at least a portion of the field of view for an unacceptable change (Abstract; FIG. 1; FIG 2A-B; FIG 3A-B)." However, it is not evident from the cited portion that McQueen teaches monitoring a portion of the field of view for an unacceptable change. It should be made clear what the "unacceptable change" is and how McQueen teaches monitoring a portion of a field of view for that "unacceptable change."

Regarding the condition set forth in II.6.3 above, the support document is required to include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c). The support document indicates that all of the cited references "fail to teach or suggest marking a product code in a free space environment with a laser." However, as indicated above, such appears to be clearly taught by Cox in col. 3, lines 48-52. Furthermore, marking a product code in a free space environment is directed to dependent claims 2, 5 and 8 and not to independent claims 1, 4 and 7. Consequently, the support document does not explain how each of the claims is patentable over the references.

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where ***each limitation of the claims*** finds support under 35 USC 112, first paragraph, in the written description of the specification. The support document indicates that support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraph [0006-0007] for claims 1-3. The support document, however, does not mention any limitation of the claims and show where support for that limitation can be found in the written description of the specification. Furthermore, paragraph [0006] is merely a brief summary of the invention and provides no more support under 35 USC 112, first paragraph, for the claimed invention than the claim itself. The support document should identify each claim limitation and identify the specific paragraph(s) where adequate support under 35 USC 112, first paragraph, is found for each claim limitation.

Regarding the condition set forth in II.6.6 above, the examination support document indicates that Cato et al. (US 5,229,593) is disqualified under 35 USC 103(c). However, Cato et al. is not disqualified under 35 USC 103(c), since it qualifies as prior art under 35 USC 102(b).

Accordingly, the petition does not meet conditions II.5, II.6.1-II.6.3 and II.6.5-II.6.6 for the reasons cited 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 available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose G. Dees, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

JD/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,004	05/19/2008	ROBERT T. CATO	RPS920080113US1	1002

75339 7590 11/25/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER
LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
11/25/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

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PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

In re Application of: Robert Cato Serial No.: 12/123,004 Filed: May 19, 2008 Docket No.: RPS920080113US1 Title: ENABLING SAFE USE OF HIGH POWER LASER FOR LASER MARKING IN A FREE SPACE ENVIRONMENT	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on October 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,077	05/19/2008	Andrew J. Hall	GB920080138US1 (3042)	1126

78290 7590 07/22/2008
Oppenheimer Wolff & Donnelly LLP
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Minneapolis, MN 55402-1609

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

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Mr. Robert M. Hirning
Oppenheimer, Wolff, & Donnelly LLP
Plaza VII, Suite 3300
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In re Application of:
Andrew J. HALL, et al.
Application No. 12/123077
Filed: May 19, 2008
Attorney Docket Number GB920080138US1 (3042)

For: SELECTING QUICK-TO-DOWNLOAD CONTENT TROUGH AN ALTERNATIVE HYPERTEXT PROTOCOL

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on the Petition To Make Special under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on May 19, 2008.

The petition is **DISMISSED**.

I. M.P.E.P. § 708.02, Section VIII sets forth the prerequisites for a grantable Petition for Accelerated Examination under 37 C.F.R. § 1.102(d) and states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h);
>
> (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) **Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.**

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center Special Program Examiner.

The Petition is deficient with respect to M.P.E.P. § 708.02, Section VIII(e) (as bolded supra).

As set forth in requirement (e), Petitioner must provide a "detailed discussion of the references, which discussion points out, with the particularly requirement by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over the references." 37 CFR § 1.111(b) requires that the discussion of prior art references presents "arguments pointing out the specific distinctions believed to render the claims . . . patentable over any applied references," while 37 CFR § 1.111(c) states that "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section."

Particularly, in the petition section labeled "9(C). Detailed Explanation of Patentability," Petitioner fails to adequately discuss "specific distinctions" between the prior art and the claimed invention as set forth in the preceding paragraph. Instead, Petitioner relies on the general allegation that the prior art do not "specifically discuss" the claim limitations. This discussion is deficient in both scope and breadth as each claim limitation must be compared to the each piece of prior art, pointing out both the **similarities** and **differences** between the claimed invention and said prior art. The petition discusses the differences quite well but falls short on the similarities. A statement is needed discussing whether either of the cited references sends the quick to download content over the same port as the other information and why using adding a second port wouldn't be obvious as replacing a serial connection with a faster parallel connection.

II. M.P.E.P. § 708.02(a), Section I sets forth the requirements for granting accelerated examination status under 37 C.F.R. § 1.102(c)(2) and states in relevant part:

A new application may be granted accelerated examination status under the following conditions:

(H) **At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.**

(1) This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent

than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.

(2) **This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.**

(3) **The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully responsive and will not be entered. See subsection IV below for more information.**

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(I) **At the time of filing, applicant must provide in support of the petition an accelerated examination support document.**

(1) **An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.**

(2) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(3) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(4) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(5) **The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify:**

(i) **each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6; and**

(ii) **the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.**

(6) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c).

The Petition is deficient with respect to M.P.E.P. § 708.02(a)(I) and § 708.02(a)(H) (as bolded supra).

Regarding the requirement of MPEP § 708.02(a)(H), the text search query reported by the Petitioner fails for its lack of depth and breadth to cover all of the concepts the claims recite. The text search query fails for lack of inclusion of applicable terms, and their synonyms, as used in the claims of the invention. These include, without limitation: **Selecting**, **Unique**, **Predefined**, **Internet**, **Subset**, **Configured**, **Connection**, **Request For Data**, **Client**, **Address**, and **Transferring**.

Additionally, the text search query fails to include several terms which may reveal applicable prior art. For example, the terms **Website**, **Socket**, **Dynamic Content**, **XML**, **DSP**, **Ajax**, **Information**, **Language**, **Syntax**, **Browser**, **Internet**, and **Domain**, along with synonyms thereof, should be included in the search string.

Finally, the text search query fails to use many common synonyms which may reveal applicable prior art. For example, Petitioner uses the term . . .

- **Download** while failing to include the terms **Retrieve**, **Acquire**, **Get**, **Collect**, and **Obtain**.
- **Alternative** while failing to include the terms **Substitute** and **Secondary**.
- **HTTP** while failing to include the term **FTP**.
- **Quick** while failing to include the terms **Accelerated**, **Fast**, **Expedited**, **Fast Path**, **Express**, and **Rapid**.
- **Content** while failing to include the terms **Data**, **Information**, **Info**, and **Object**.
- **Server** while failing to include the term **Host Computer**.

Note that the above listed terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art search. Nor is this objection limited to only those sets of search terms listed; each search term used should be evaluated for applicable synonyms. Additionally, please add synonyms for port to the search query.

Regarding the requirement of MPEP § 708.02(a)(I), the pre-exam search must be directed to the (instant) claimed invention. Based upon the subject matter of this Petition, a search in the following additional class and/or subclasses should be included in order to provide full coverage of where the most pertinent references are most likely to be found:

U.S. Field of Search;
709/218
709/227-229
709/230

Again, the aforementioned additional classes and/or sub-classes are not meant as an exhaustive list, merely a representative listing of applicable search areas which have not been included in the Petitioner's pre-exam search. It is incumbent on the Petitioner to evaluate all applicable classes and/or sub-classes for pertinent prior art.

Regarding to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item I 5 above, the Accelerated Examination Support Document only identifies paragraphs 6-9 and 24-26 of the instant specification as providing support for the sole claim 1. However, the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above clearly states that the petitioner is required to **specifically identify what corresponding elements in the figures** and **specifically identify where the corresponding written description in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of the claim 1**. A general statement saying all of the claim features are met by 6 paragraphs is not specific. A clarification and identification of support is required.

Because the petition fails to satisfy all of the criteria set forth above, the petition to make special is **DISMISSED**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

A second point of contact is QAS Kim Huynh at (571) 272-4147.

Tod Swann
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3612

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,077	05/19/2008	Andrew J. Hall	GB920080138US1 (3042)	1126

78290 7590 09/29/2008
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Minneapolis, MN 55402-1609

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
09/29/2008	PAPER

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Robert Hirning
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In re Application of:
Andrew J. HALL, et al.
Application No. 12/123077
Filed: May 19, 2008
Attorney Docket Number GB920080138US1 (3042)

For: SELECTING QUICK-TO-DOWNLOAD CONTENT TROUGH AN ALTERNATIVE HYPERTEXT PROTOCOL

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on the renewed petition filed on August 21, 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 May 19, 2008 was dismissed in the decision mailed on July 22, 2008.

The renew petition to make the application special is **GRANTED** as the new Search Document meets the requirements of condition II 5.2 and MPEP 708.02(a)(I & H) and the new Examination Support Document meets the requirements for the detailed discussion of the references and the discussion of patentability of MPEP 708.02(a) 8(E) & 9(c) and the 112 1st support of MPEP 708.02(a)(I)(I)(5)that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MCCARTER & ENGLISH, LLP HARTFORD
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

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MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
MORAN, Kelly B. et al.	:	
Application No. 12/123,114	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO WITHDRAW
Attorney Docket No. **97353.00128**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2009.

The request is **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 Eric Grondahl on behalf of all attorneys of record who are associated with customer No. 21832. All attorneys/agents associated with the Customer Number 21832 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **KELLY B. MORAN**
495 MAIN STREET
WILBRAHAM MA 01095

cc: **BOLESH J. SKUTNIK**
CERAMOPTEC INDUSTRIES, INC.
515 SHAKER RD.
EAST LONGMEADOW, MA 01028

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DEC 14 2009

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

In re Application of	:	
Min Hwa Lee	:	
Application No. 12/123,122	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO WITHDRAW
Attorney Docket No. 091619-0122	:	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 9, 2009.

The request is **APPROVED**.

The request was signed by Mark A. Kassel on behalf of the practitioners of record associated with Customer Number 23524.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Min Hwa Lee at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Min Hwa Lee
Hyundai Apt. 11-105
Apgujeong-dong, Gangnam-gu, Seoul
135-787 Republic of Korea

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
12/123,122	05/19/2008	Min Hwa Lee	091619-0122

CONFIRMATION NO. 1199

POWER OF ATTORNEY NOTICE

23524
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

OC000000039146089

Date Mailed: 12/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/123,122	05/19/2008	Min Hwa Lee	091619-0122

CONFIRMATION NO. 1199

POA ACCEPTANCE LETTER

Min Hwa Lee
Hyundai Apt. 11-105
Apgujeong-dong
Gangnam-gu
Seoul, 135-787
KOREA, REPUBLIC OF

OC000000039146145

Date Mailed: 12/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DOWNS RACHLIN MARTIN PLLC
199 MAIN STREET
P O BOX 190
BURLINGTON, VT 05402-0190

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JUN 09 2008

In re Application of	:	
BROHAN, et al.	:	
Application No. 12/123,145	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **02962-100CP**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 19, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor John Brohan, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

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SEP 30 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Bey :
Application No. 12/123,218 :
Filed: May 19, 2008 :
Attorney Docket No. CCIOO-093A :
For: AXIAL DRAG VALVE WITH
INTERNAL SLEEVE ACTUATOR

This is in response to the petition under 37 CFR 1.47(b), filed August 19, 2008.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

Petitioner lacks item (2) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration filed with the present petition states that the sole inventor is Thomas Walsh. Mr. Walsh is not the sole inventor. Roger Bey is.

Petitioner must file a declaration that contains identifying information for the application, as well as complete information for the non-signing sole inventor, Roger Bey. The declaration should be executed by an officer of Control Components, Inc. (President, Vice-President, Secretary,

Treasurer of Chief Executive Officer). The signer should provide his title. A corporation may authorize any person to sign the application on its behalf. However, if the declaration is not signed by an attorney or officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted. MPEP 409.03(b)

Pursuant to petitioner's authorization, deposit account no. 19-4330 will be charged the required $130.00 surcharge due.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALISO VIEJO CA 92656

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NOV 19 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Bey :
Application No. 12/123,218 :
Filed: May 19, 2008 :
Attorney Docket No. CCIOO-093A :
For: AXIAL DRAG VALVE WITH
INTERNAL SLEEVE ACTUATOR

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed November 3, 2008.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Roger Bey, has refused to join in the filing of the above-identified application after having been presented with the application papers.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROGER BEY
68110 ILLZACH
ROSSIGNOLS
FRANCE

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of :
Bey :
Application No. 12/123,218 : LETTER
Filed: May 19, 2008 :
Attorney Docket No. CCIOO-093A :
For: AXIAL DRAG VALVE WITH
INTERNAL SLEEVE ACTUATOR

Dear Mr. Bey:

You are named as the sole inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

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MAIL

AUG 27 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

In re Application of:
LAROIA, RAJIV et al
Serial No.: 12/123,266
Filed: May 19, 2008

Title: **METHOD AND APPARATUS FOR INTERFERENCE MANAGEMENT BETWEEN NETWORKS SHARING A FREQUENCY SPECTRUM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102. The petition is being treated as a petition 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 the application does not contain three or fewer independent claims and twenty or fewer total claims.

Applicant should note that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP 708.02(a).

For the above-stated reasons, the petition is denied. Therefore, the file will be taken up by the examiner in its regular turn.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY, CA 94704

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MAY 05 2009

OFFICE OF PETITIONS

Applicant: Ian M. Bennett
Application No.: 12/123,293
Filed: May 19, 2008
Title: METHOD FOR TRANSPORTING SPEECH DATA FOR A DISTRIBUTED RECOGNITION SYSTEM

: **DECISION**
: **GRANTING**
: **AND**
: **DISMISSING**
: **PETITIONS**

This is a decision on the following petitions entitled, (1) "PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed October 21, 2008, and (2) "WITHDRAWAL OF PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed January 27, 2009, requesting that the October 21, 2008 petition be withdrawn.

A review of the record in the instant application indicates that the Office has not yet begun a review of the initial October 21, 2008 petition. Accordingly, based on the facts and circumstances in this case, the January 27, 2009 petition is **granted** to the extent that the October 21, 2008 petition is **dismissed as moot**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(a)(7). The October 21, 2008 petition is treated as a petition under 37 CFR 1.183 for waiver of 37 CFR 1.98(a). Pursuant to 37 CFR 1.17(f), the required fee for the petition under 37 CFR 1.183 is $400. The fee transmittal form that accompanied the October 21, 2008 petition indicated the incorrect petition fee of $130. Accordingly, the $130 fee paid on October 22, 2008 is being refunded to petitioner's Deposit Account (501-244) and, as authorized on page 3 of the October 21, 2008 petition, the required $400 fee for the petition under 37 CFR 1.183 will be charged to petitioner's Deposit Account (501-244).

The application is being forwarded to Technology Center 2600 for further processing. Telephone inquiries regarding this communication should be directed to Nicole Dretar, Legal Advisor, at (571) 272-7717.

Brian E Hanlon

Brian Hanlon
Deputy Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,314	05/19/2008	Clarence Rosser Ogilvie	BUR920080178US1	1555

77062 7590 06/27/2008
The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel, MD 20707

EXAMINER

ART UNIT	PAPER NUMBER
2816	

MAIL DATE	DELIVERY MODE
06/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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THE LAW FIRM OF ANDREA HENCE EVANS, LLC
14625 BALTIMORE AVE. #853
LAUREL MD 20707

In re Application of: Clarence Rosser Ogilvie et al. Serial No.: 12/123,314 Filed: May 19, 2008 Title: COMPENSATION OF PROCESS AND VOLTAGE VARIABILITY IN MULTI-THRESHOLD DYNAMIC VOLTAGE SCALING CIRCUITS	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsections 6, specifically items 6.2 and 6.3. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6, the support document supplied by petitioner does not satisfy the requirements set forth in item 6.2. The support document is required to include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. In this case, the support document fails to specifically identify where the limitations disclosed by the references are found. For example, the support document states, "Doyle discloses connecting cells of a first (one of 210 or 212) of the at least two groups of cells to a first set of at least one supply voltage (one of 36 and 38)." (see the bottom of page 2 of the support document). Merely identifying the reference numbers does not specify where the limitation is found in the reference. The support document should include column and line numbers to identify where the limitations are disclosed by each of the three cited references. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the references specifying where the limitation is disclosed in the cited references.

Regarding the requirements of section II, subsection 6, the support document supplied by petitioner does not satisfy the requirements set forth in item 6.3. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references with particularity required by 37 CFR 1.111(b) and (c) and not merely state that the references do not disclose the claim limitations. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 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." Petitioner does not specifically point out the particular language of the claims that distinguishes over the references. For example, with respect to claim 1, petitioner does not explain why the cells 210 and 212, as taught by Doyle, could not be considered as being in different regions of the integrated circuit and therefore meeting the claim limitation of grouping the cells into at least two groups. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of section II, item 6.3.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/123,314	05/19/2008	Clarence Rosser Ogilvie	BUR920080178US1	1555

77062 7590 09/08/2008
The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel, MD 20707

EXAMINER

ART UNIT	PAPER NUMBER
2816	

MAIL DATE	DELIVERY MODE
09/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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The Law Firm of Andrea Hence Evans, LLC
14625 Baltimore Ave., #853
Laurel MD 20707

In re Application of:
Clarence Rosser OGILVIE et al.
Serial No.: 12/123,314
Filed: May 19, 2008
Title: COMPENSATION OF PROCESS AND VOLTAG E VARIABILITY IN MULTI-THRESHOLD DYNAMIC VOLTAGE SCALING CIRCUITS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed July 16, 2008. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on June 27, 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 Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No.

J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY CA 94704

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Ian M. Bennett	:	
Application No. 12/123,336	:	DECISION ON TWO PETITIONS
Filing Date: May 19, 2008	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. §§ 1.182 AND 1.183
PHO99004CIP2D2	:	
Title: METHOD FOR PROCESSING	:	
SPEECH DATA FOR A DISTRIBUTED	:	
RECOGNITION SYSTEM	:	

Background

This is a decision on the "PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed on October 21, 2008. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule § 1.98(a), with respect to the submission of copies of references cited in an Information Disclosure Statement (IDS), so as to avoid the submission of physical copies of non-patent literature.

This is also a decision on the petition pursuant to 37 C.F.R. § 1.182, filed on January 27, 2009, requesting the withdrawal of the petition pursuant to 37 C.F.R. § 1.183.

The petition pursuant to 37 C.F.R. § 1.182:

The petition pursuant to 37 C.F.R. § 1.182 is **DISMISSED**.

Petitioner has filed the present petition, seeking the withdrawal of a previously filed petition. A review of the petition reveals that petitioner has not submitted the petition fee, currently $400.00. See 37 C.F.R. § 1.17(f).

Petitioner is advised that before the merits of the petition may be considered, the petition fee must be submitted. The fee for a petition filed under 37 CFR 1.182 is currently $400.00. Petitioner is further advised that the petition fee is not refundable. The applicable statute, 35 USC 42(d), authorizes the Director to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the Patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

The petition pursuant to 37 C.F.R. § 1.183:

The petition fee of $400.00 pursuant to 37 CFR § 1.17(f) for this petition pursuant to 37 CFR § 1.183 will be charged to petitioner's Deposit Account number 50-1244 in due course, as authorized in this petition.

The petition pursuant to 37 C.F.R. § 1.183 is **DISMISSED.**

A discussion follows.

Applicable Rules

37 C.F.R. §1.4(b) sets forth, *in pertinent part*:

Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical.

37 CFR § 1.98(a)(2) indicates:

Any information disclosure statement filed under § 1.97 shall include the items listed in paragraphs (a)(1), (a)(2) and (a)(3) of this section.

A legible copy of:
(i) Each foreign patent;
(ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
(iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
(iv) All other information or that portion which caused it to be listed.

37 C.F.R. § 1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

Analysis

This petition has been fully considered.

Rule 1.98(a)(2) requires legible copies of certain documents listed on an IDS filed under 37 C.F.R. § 1.97 be submitted to the Office. Petitioner seeks waiver of this copy requirement for a concurrently submitted IDS listing 825 non-patent literature references. The provisions of 37 C.F.R. § 1.98(a)(2) may be waived under 37 C.F.R. § 1.183 where a petitioner demonstrates an extraordinary situation in which justice requires suspension of the rule.

In support of this petition for waiver of the rule, Petitioner notes that physical copies of the non-U.S. patent references cited in the IDS have been filed in application number 10/684,357, which is "a parent and/or related to other pending cases maintained by Applicant."[1] Petitioner further notes that these non-U.S. patent references consist of "an estimated 10,000 pages…requiring four separate banker boxes,"[2] and that this same

1 Petition, page 1.
2 Id.

IDS has been presented in "more than 20 other related cases.[3] Accordingly, "[t]he cost and burden of copying and shipping such materials an additional 22 times would be extremely burdensome, and [would] result in a significant ecological waste and duplication of paper."[4] Finally, Petitioner has asserted "[t]he Examiner in the '357 application is also handling most if not all of the other 22 related cases."[5] In short, Petitioner has argued that since copies of these references were provided in the '357 application, he should not be required to provide identical copies in the present application.

Petitioner has requested, in the alternative, for the Office to permit the submission of a "CD containing electronic copies of such references in lieu of physical copies."[6]

With this petition, Petitioner has not asserted, *much less established*, the existence of an extraordinary situation such that justice requires the waiver of Rule 1.98(a)(2).

Assuming arguendo that Petitioner has asserted the existence of an extraordinary situation, such that justice requires the waiver of Rule 1.98(a)(2), it has not been established that justice requires the waiver of the Rule.

As a general rule, waiver of a Rule in the interest of justice is not available when there is recourse within the rules of practice.

Concerning Petitioner's primary request, Petitioner has requested waiver of the Rule governing submission of documents to the Office based on the alleged burden of submitting to the Office physical copies of numerous references in multiple applications. In lieu of submitting to the Office physical copies of the references, however, Petitioner may use the Office's Web-based electronic filing system (EFS-Web) to submit electronic copies of the references to the Office.[7] In this way, Petitioner need only scan the references into an acceptable electronic format (e.g., Adobe Portable Document Format (PDF)) once, and can then submit

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3 Id.
4 Id at 2.
5 Id. at 1.
6 Id. at 3.
7 See MPEP § 609.07 (8th ed. 2001) (Rev. 7, July 2008) (providing that "[a]s of May of 2002 IDSs may be submitted to the Office via the EFS" and that "[a]s of January 2007, an e-IDS filed via EFS-Web may include citations of U.S. patents, U.S. patent application publications, foreign patent documents and non-patent literature (NPLs)").

the scanned references to the Office via EFS-Web in any number of applications.

Moreover, the assertion that the "Examiner in the '357 application is also handling most if not all of the other 22 related cases" does not relieve Petitioner of his obligation under Rule 1.4(b) to supply a "separate copy of every paper to be filed in a patent, patent file, or other proceeding…for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical." It is noted in passing that Petitioner has not requested waiver of this Rule.

Regarding Petitioner's alternate request, this must also be dismissed. Petitioner has requested that the Office permit the submission of a CD containing electronic copies of the references, however the rules of practice provide a method of submitting electronic documents to the Office via EFS-Web. As such, if Petitioner wishes to submit electronic copies of the documents to the Office, these may be filed via EFS-Web.

Accordingly, for all of the reasons set forth above, Petitioner has not presented facts that demonstrate an extraordinary situation in which justice requires suspension of 37 C.F.R. § 1.98(a)(2), and the petition is dismissed.

Conclusion

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[8] hand-delivery,[9] or facsimile.[10] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[11]

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8 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
9 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
10 (571) 273-8300- please note this is a central facsimile number.
11 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[12] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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12 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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Alexandria, VA 22313-1450
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GERBERA/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085

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OFFICE OF PETITIONS

In re Application of	:	
Marco MACCARRONE, et *al.*	:	
Application No. 12/123,359	:	DECISION ON PETITION
Filed: May 19, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **2110-292-03**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, mailed May 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the surcharge fee of $130, basic filing fee of $330, search fee of $540, additional claim fee $2892 and examination fee of $220; (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding the status or examination of this application should be directed to the Office of Patent Application Processing at 571-272-4000.

Inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

Attorney Docket No.: 8410P00096 Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	Examiner: Unknown
Marco MacCarrone et al.	)	
	)	Art Unit: 2827
Serial No.: 12/123,359	)	
	)	Confirmation No.: 1631
Filed: May 14, 2008	)	
	)	
For: IMPROVED FAST PROGRAMMING MEMORY DEVICE	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION (FILING DATE GRANTED)

Sir:

In response to the Notice to File Missing parts of Application (Filing Date Granted) mailed May 30, 2008, please find enclosed:

(1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;

(2) please charge Deposit Account 02-2666 the amount of $130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e).

(3) a Petition for Revival of Application for Patent Abandoned Unintentional under 37 CFR 1.137(b);

(4) please charge Deposit Account 02-2666 the amount of $1,540.00 in payment of the surcharge of 37 C.F.R. § 1.17(m);

(5) a Petition under 37 CFR 1.47(a); and

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11/03/2009 CKHLUK   00000009 022666   12123359
01 FC:1011          330.00 DA
02 FC:1051          130.00 DA
03 FC:1111          540.00 DA
04 FC:1311          220.00 DA
05 FC:1201         1540.00 DA
06 FC:1202         1352.00 DA
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(6) please charge Deposit Account 02-2666 the amount of $200.00 in payment of the surcharge of 37 C.F.R. § 1.17(g).

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: April 24, 2009

Michael A. Bernadicou
Reg. No. 35,934

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

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AUG 13 2008

In re Application of	:	
SHERMAN and MOLLENAUER	:	DECISION ACCORDING STATUS
Application No. 12/123,368	:	UNDER 37 CFR 1.47(a)
Filed: 05/19/2008	:	
Attorney Docket No. 213/091	:	
Title: METHOD OF PERFORMING CPR	:	
WITH A MODULAR CPR ASSIST DEVICE	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 12, 2008.

The petition under 37 CFR 1.47(a) is **granted**.

Petitioners showed that they provided a copy of the application papers, including a declaration, to Darren R. Sherman, the non-signing inventor, for his review and signature. In the declaration of facts, K. David Crockett declared that Mr. Sherman confirmed that he had received the application and declaration and told Mr. Crockett that he refused to execute the declaration in the present application.

The above-identified application and papers have been reviewed and are found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

To avoid abandonment of the application, it is necessary to charge the Deposit Account for the $130.00 surcharge for the late filing of the declaration and a $120.00 fee for an extension of time for response within the first month.

The matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Darren R. Sherman
1216 Southeast 5th Court
Fort Lauderdale, FL 33301-3008.

COPY MAILED

AUG 13 2008

In re Application of	:	
SHERMAN and MOLLENAUER	:	
Application No. 12/123,368	:	LETTER
Filed: 05/19/2008	:	
Attorney Docket No. 213/091	:	
Title: METHOD OF PERFORMING CPR WITH	:	
A MODULAR CPR ASSIST DEVICE	:	

Dear Mr. Sherman:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAIL
JUL 17 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
Travis Grigsby et al
Serial No.: 12/123382
Filed: May 19, 2008
Attorney Docket number: RSW920080297US1
Title: **METHOD AND SYSTEM FOR DETERMINING CONFERENCE CALL EMBELLISHMENT TONES AND TRANSMISSION OF SAME**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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 5.1 and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.1 above, the preexamination search document provided with the instant petition is deficient as follows: The search was too narrow. Search should have additionally included Class/subclass:

381/66, 57, 92, 95, 122 and 317

If any request for reconsideration is filed, an updated preexamination search must be conducted as per item 5.1 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

Regarding the requirement in item 6.5 above, the Accelerated Examination Support Document is deficient in section 9(E) because applicant has only referred to steps of a flowchart shown in Figures 1 and 2 of the drawings. Item 6.5 requires a showing of *where* each limitation of the claims finds support in the *written description of the specification*.

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 Eileen Lillis, Quality Assurance Specialist, at (571) 272-6928.

/Eileen Lillis/

Eileen Lillis
Quality Assurance Specialist
Technology Center 2600

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OCT 28 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of:
T. Grigspy
Serial No.: 12/123,382
Filed: 05/19/2008
Docket: RSW920080297US1
Title: **METHOD AND SYSTEM FOR DETERMINING CONFERENCE CALL EMBELLISHMENT TONES AND TRANSMISSION OF SAME**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 19, 2008 with a revised AE support document dated 8/11/2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Kenneth Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder,
Quality Assurance Specialist
Technology Center 2600
Communications

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OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
Ravenis, et al. :
Application No. 12/123,387 : DECISION ON PETITION
Filed: May 19, 2008 :
Attorney Docket No. 014801-008820US:

This is in response to the petition under 37 CFR 1.47(a), filed August 31, 2009, which is being treated as a petition under 37 CFR 1.183 to suspend the requirement under 37 CFR 1.67 that all of the inventors sign the supplemental declaration.[1] A petition under 37 CFR 1.47 only applies to the 37 CFR 1.63 oath or declaration submitted with the application on filing.

The petition under 37 CFR 1.183 is **GRANTED**.

Petitioner has established that inventor Ravenis was presented with the supplemental declaration on August 25, 2009, but as of the date of the petition, has not returned it bearing his signatures. Accordingly, it is concluded that this is an extraordinary situation where justice requires waiver of the rules.

---

[1] "If a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the nonsigning inventor." MPEP 1414.01(III).

The Supplemental Declaration will be entered, despite the fact that inventor Ravenis have not signed.

As a petition under 37 CFR 1.183 requires a petition fee of $400, an additional $200 has been charged to Deposit Account No. 20-1430, as authorized.

The application is being forwarded to Group Art Unit 2612 for examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,413	05/19/2008	Glenn E. Elmore	00390.P4CIP	1739

61894 7590 07/03/2008
STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA, CA 95403

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA, CA 95403

In re Application of: ELMORE, Glenn E. Serial No.: 12/123,413 Filed: May 19, 2008 Title.: SYSTEM AND APPARATUS FOR TRANSMITTING A SURFACE WAVE OVER A SINGLE CONDUCTOR	: : : : : :	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 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed May 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.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,425	05/19/2008	Diane Mai Huong Dang	4411P	1764

7590 12/07/2009
SAWYER LAW GROUP PC
2465 E. Bayshore Road, Suite No. 406
PALO ALTO, CA 94303

EXAMINER
CARPENTER, WILLIAM R

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
12/07/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kalethia Buchanan
Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

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NOV 06 2009

OFFICE OF PETITIONS

In re Application of :
Xu, et al. :
Application No. 12/123,461 :
Filed: May 19, 2008 :
Attorney Docket No. BYD-US2007-061 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed August 13, 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**.

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
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,487	05/20/2008	Pradip Bose	YOR920070633US2	1874

48915 7590 07/14/2008
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of: Pradip Bose et al. Serial No.: 12/123,487 Filed: May 20, 2008 Docket No.: YOR920070633US2 Title: METHOD FOR EXTENDING LIFETIME RELIABILITY OF DIGITAL LOGIC DEVICES THROUGH REVERSAL OF AGING MECHANISMS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98. mpliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,489	05/20/2008	Pradip Bose	YOR920070460US2	1879

48915 7590 07/14/2008
CANTOR COLBURN LLP-IBM YORKTOWN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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22nd Floor
Hartford, CT 06103

In re Application of: Pradip Bose et al. Serial No.: 12/123,489 Filed: May 20, 2008 Docket No.: YOR920070460US1 Title: METHOD FOR EXTENDING LIFETIME RELIABILITY OF DIGITAL LOGIC DEVICES THROUGH REVERSAL OF AGING MECHANISMS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98. mpliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELL DRIVE, SUITE 200
RESTON, VA 20191

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Yoshiki TAKATA	:	
Application No. 12/123,589	:	DECISION GRANTING PETITION
Filed: May 20, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **70404.284/AK**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 13, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 24, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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BIB DATA SHEET

CONFIRMATION NO. 1087

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/123,589	05/20/2008 **RULE**	315	2821	70404.284/AK

APPLICANTS
Yoshiki TAKATA, Suzuka-shi, JAPAN;

**** CONTINUING DATA ******** Yes *************** JV
This application is a CON of PCT/JP2007/070057 10/15/2007

**** FOREIGN APPLICATIONS ******* Yes *********************** JV
JAPAN 2007-035192 02/15/2007

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
05/27/2008

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☑ Yes ☐ No	☑ Yes ☐ No	/JIMMY T VU/ (Examiner's Signature)	JAPAN	18	6	1
		☐ Met after Allowance JV (Initials)				

ADDRESS

SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191
UNITED STATES

TITLE

LIGHTING DEVICE FOR DISPLAY DEVICE, DISPLAY DEVICE AND TELEVISION RECEIVER

FILING FEE RECEIVED		
1530	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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1160 SPA ROAD, SUITE 2B
ANNAPOLIS, MD 21403

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Sean SCOTT :
Application No. 12/123,592 : DECISION ON PETITION TO
Filed: May 20, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **25124** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Lawrence E. Laubscher, Jr. on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor 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: **SEAN SCOTT**
222 SEVERN AVENUE
BUILDING 3, SUITE B
ANNAPOLIS, MD 21403

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P.O. BOX 612407
SAN JOSE, CA 95161

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OFFICE OF PETITIONS

In re Application of	:	
Wayne S. LEE	:	
Application No. 12/123,611	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO WITHDRAW
Attorney Docket No. 80-036US	:	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 on behalf of the attorneys of record associated with Customer Number 63409.

The attorneys of record associated with Customer Number 63409 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KOJI TAKINAMI
C/O MATSUSHITA ELECTRIC INDUSTRIAL CO.
1006 OAZA KADOMA
KADOMA-SHI 571-8501
JAPAN

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OFFICE OF PETITIONS

In re Application of	:	
Sean SCOTT	:	
Application No. 12/123,661	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO WITHDRAW
Attorney Docket No.· 25125	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Lawrence E. Laubscher, Jr. on behalf of ass the attorneys of record ,

All attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SEAN SCOTT
222 SEVERN AVENUE, BUILDING 3
SUITE B
ANNAPOLIS, MD 21403

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CLEVELAND OH 44114

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Rennillo, et al.	:	
Application No. 12/123,734	:	ON PETITION
Deposited: May 20, 2008	:	
Attorney Docket No. 109912.0003	:	

This is in response to the "PETITION TO ADD INADVERTENTLY OMITTED MATERIAL UNDER CFR 1.57(a)", filed July 18, 2008, requesting that the above-referenced application be accorded a filing date of May 20, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on May 20, 2008. However, on June 6, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. Applicants request that the application be accorded the filing date of May 20, 2008 pursuant to 37 CFR 1.57.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Receipt of the drawings, submitted with the instant petition, is acknowledged. However, entry of the drawings should be made by way of an amendment directed to the examiner.

To the extent the instant petition requests a filing date of May 20, 2008 with no drawings present in the application on filing, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee has been refunded to Deposit Account No. 50-0959.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to May 20, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
John Wesley Moss et al	:	
Application No. 12/123,755	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO WITHDRAW
Attorney Docket No. 08285-00969	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 13, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Scott W. Brim 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 Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Scott W. Brim
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

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Applicant: Kilmer et al.
Appl. No.: 12/123,760
Filing Date: May 20, 2008
Title: RECOVERED HIGH STRENGTH MULTI-LAYER ALUMINUM BRAZING SHEET PRODUCTS
Attorney Docket No.: 06-0226 CIP
Pub. No.: US 2008/0274367 A1
Pub. Date: November 6, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 5, 2008, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material error in containing various errors resulting from faulty optical character recognition.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The errors due to faulty optical character recognition are, in this case, not Office error. The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and

[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).

inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

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 December 5, 2008, 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.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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JUN 0 8 2009

OFFICE OF PETITIONS

PATENT LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

In re Application of
Wayne S. LEE, et al.
Application No. 12/123,772
Filed: May 20, 2008
Attorney Docket No. **56398-2300**

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 20, 2009.

The request is **DISMISS** as 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 the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **SNELL & WILMER, LLP (PANASONIC)**
600 ANTON BOULEVARD SUITE 1400
COSTA MESA, CA 92626

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PO BOX 1022
MINNEAPOLIS MN 55440-1022

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MAY 19 2010

OFFICE OF PETITIONS

In re Application of

BLACK, John M.
Application No. 12/123,795
Filed: May 20, 2008
Attorney Docket No. **18538-031001**

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 06, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Teresa Lavole on behalf of all attorneys of record who are associated with customer No. 26191. All attorneys/agents associated with the Customer Number 26191 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FIRST PRODUCTS, INC.**
2626 EAST 82ND STREET
BLOOMINGTON MN 55425

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4400 UNIVERSITY DRIVE
FAIRFAX, VA 22030

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APR 13 2009

OFFICE OF PETITIONS

In re Application of Samsonovich et al. :
Application No. 12/123,812 :
Filing Date: May 20, 2008 :
Attorney Docket No. GMU-07-047U :

Decision on Petition

This is a decision in response to the petition filed September 10, 2008, which requests the application be accorded a filing date of May 20, 2008, and requests entry of the drawings filed September 10, 2008. As will be discussed in this decision, the petition has been treated as a petition under 37 CFR 1.53.

The petition is **granted** to the extent indicated herein.

Procedural History:

On May 20, 2008, the application was inadvertently filed without drawings.

On July 11, 2008, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application." The Notice stated in part that drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

On September 10, 2008, petitioner filed an amendment pursuant to 37 CFR 1.57(a), the instant petition, and a petition fee of $400. Petitioner requests the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a proper priority claim under 37 CFR 1.55 or 1.78.

Discussion:

One must always file an amendment in order to add material pursuant to 37 CFR 1.57(a), However, a petition under 37 CFR 1.57 and the $400 fee is only necessary if the application is not entitled to a filing date absent the missing material.

The Office has chosen to initially treat the petition as a petition under 37 CFR 1.53(e) in order to determine if the application should have been accorded a filing date without the drawings. If the application should have been accorded a filing date without the drawings, then a petition under 37 CFR 1.57 is unnecessary and the $400 fee is refundable.

A review of the application papers filed May 20, 2008, indicates the papers included at least one method claim. MPEP 601.01(f) states,

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Pursuant to MPEP 601.01(f), the Office should not have required drawings in order to accord the application a filing date. Instead, the Office should have granted the application a filing date of May 20, 2008, and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in under the section titled, "Application Entitled to a Filing Date," in MPEP 601.01(g), applicant may submit an *amendment* to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [If the] application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application.

Since the application is entitled to a filing date without the drawings, an amendment pursuant to 37 CFR 1.57(a) does not need to be accompanied by a petition under 37 CFR 1.57 and the petition fee of $400 has been refunded to petitioner's credit card.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing for:

- **correction of the filing date to May 20, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt**.

Entry of the amendment filed September 10, 2008, will be determined by the examiner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
PAULSON, Linda C.	:	
Application No. 12/123,815	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO WITHDRAW
Attorney Docket No. **18538-030001**	:	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 06, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Teresa Lavole on behalf of all attorneys of record who are associated with customer No. 26191. All attorneys/agents associated with the Customer Number 26191 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FIRST PRODUCTS, INC.**
2626 EAST 82ND STREET
BLOOMINGTON MN 55425

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OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of

Brines, et al.

Application No. 12/123,828

Filed: May 20, 2008

Attorney Docket No. 10165-060-999

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 12, 2010.

The petition is **granted**.

This application was held June 8, 2009, after no reply was received to the restriction/election requirement mailed May 7, 2009. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on June 8, 2009. A Notice of Abandonment was mailed December 22, 2009. The instant petition was filed on February 12, 2010. Petitioner maintains that the notice of May 7, 2009, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center, GAU 1647 for further processing that will include remailing the restriction/election requirement and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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TECHNOLOGY CENTER 2600

CANTOR COLBURN LLP - IBM FISHKILL
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
THOMAS J. FLEISCHMAN, et al.
Serial No.: 12/123,869
Filed: May 20, 2008
Docket: **FIS920070311US2**
Title: **METHOD OF CORRECTING DISTORTIONS IN DIGITAL IMAGE CAPTURED BY A DIGITAL CAMERA 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 May 20, 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 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 6.2 above. Petitioner does not identify all the limitations in the claims that are disclosed by the references. For example, with respect to the discussions claim 3 for the Baron and Funamoto references there is only a statement that the references teach the limitations but where the limitations are found is not listed. The presumption is that each of the cited references is considered most relevant to the claimed invention since they have been cited. Thus, the petition does not meet the conditions of II. 6.2 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) 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 Eileen Lillis, Quality Assurance Specialist, at (571) 272-6928.

/Eileen Lillis/

Eileen Lillis
Quality Assurance Specialist
Technology Center 2600

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CANTOR COLBURN LLP - IBM FISHKILL
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: Fleischman et al. Serial No.: 12/123,869 Filed: 05/20/2008 Docket: FIS920070311US2 Title: METHOD OF CORRECTING DISTORTIONS IN DIGITAL IMAGES CAPTURED BY A DIGITAL CAMERA 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 May 20, 2008 with a revised AE support document dated 7/16/2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Kenneth Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder,
Quality Assurance Specialist
Technology Center 2600
Communications

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

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OFFICE OF PETITIONS

In re Application of	:	
Michael Dean JARNAN	:	
Application No. 12/123,871	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO WITHDRAW
Attorney Docket No. 4194.MJAR.PT	:	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 9, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that all of the acts noted above have been performed. Please see the attached form SB/83 Request for Withdrawal as Attorney or Agent.

All future communications from the Office will continue to be directed to the above-listed address until otherwise 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: BRETT J. DAVIS
CLAYTON, HOWARTH & CANNON, P.C.
6965 UNION PARK CENTER
SUITE 400
COTTONWOOD HEIGHTS, UT 84047

Attachment: PTO/SB/83 – Withdrawal of Attorney or Agent

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OFFICE OF PETITIONS

MERCHANT & GOULD BELLSOUTH CORPORATION
PO BOX 2903
MINNEAPOLIS MN 55402

In re Application of	:	
Alston, et al.	:	
Application No. 12/123,893	:	ON PETITION
Filed: May 20, 2008	:	
Attorney Docket No.	:	
60027.0325USC1/02173C1		

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 13, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers, mailed July 14, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings. No replacement drawings having been received, the application became abandoned on September 15, 2008. The Office mailed a Notice of Abandonment on March 17, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Joseph G. Fenske
One Boland Drive
West Orange, NJ 07052

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KENYON & KENYON LLP
1500 K STREET, NW
WASHINGTON, DC 20005-1257

Mail Date: 04/21/2010

Applicant	: Michael ELLIOTT	: DECISION ON REQUEST FOR
Patent Number	: 7652611	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/123,908	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DUKE W YEE
YEE & ASSOCIATES PC
PO BOX 802333
DALLAS TX 75380

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OFFICE OF PETITIONS

In re Application of	:	
Daniel N. Harres	:	
Application No. 12/123,930	:	DECISION ON PETITION
Filed: May 20, 2008	:	
Attorney Docket No. 08-0156	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 12, 2009.

The petition is **DISMISSED** as moot.

Petitioner states that the Office mailed a Notice of Abandonment for the instant application, on the basis that applicant failed to respond to a Notice to File Missing Parts (due to an unsigned oath or declaration) mailed on June 2, 2008. However, a review of the application in the Image File Wrapper, as well as a review of the application in PALM, fails to indicate that the Office has mailed a Notice to File Missing Parts or a Notice of Abandonment. Moreover, a review of the declaration submitted with the application filing on May 20, 2008 indicates that it was signed by the sole inventor.

The $130 fee submitted on petition has been refunded to Deposit Account No. 50-3157.

The matter is being forwarded to Group Art Unit 2836 for docketing and examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

In re Application of DE RUFFRAY et al	:	
U.S. Application No.: 12/123,958	:	
PCT Application No.: PCT/EP2006/067849	:	DECISION
Int. Filing Date: 27 October 2006	:	
Priority Date Claimed: 21 November 2005	:	
Attorney Docket No.: 1094-013406-US (PAR)	:	
For: LANDING GEAR CASING PROVIDED WITH A BOX STRUCTURE	:	

This is in response to applicant's "Request for a Corrected Filing Receipt" filed 29 September 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 October 2006, applicant filed international application PCT/EP2006/067849, which claimed priority of an earlier France application filed 21 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 21 May 2008.

On 20 May 2008, applicant filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web"). The submission was accompanied by, *inter alia*, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371".

On 09 June 2008, the USPTO mailed a Notice to File Missing Parts of Nonprovisional Application.

On 29 September 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the 20 May 2008 papers be treated as a national stage application filed under 35 U.S.C. 371.

37 CFR 1.495(g) states, "The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a)." Furthermore, MPEP 1893.03(a) states in relevant part, "[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)."

In the present case, the papers submitted on 20 May 2008 contained an instruction that was inconsistent with and would have contradicted any desire expressed in any papers that might have been filed to enter the national stage of the PCT under 35 U.S.C. 371. Specifically, the menu option "Nonprovisional Application under 35 USC 111(a)" was selected in the EFS-Web data entry screen as opposed to the menu option "U.S. National Stage under 35 USC 371". Therefore, due to the presence of a conflicting instruction, the papers filed on 20 May 2008 were properly accepted as a filing under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 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).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

BryanLin

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PCT Legal Office

Telephone: 571-272-3303
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2 2 MAY 2009

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

In re Application of DE RUFFRAY et al	:	
U.S. Application No.: 12/123,958	:	
PCT Application No.: PCT/EP2006/067849	:	DECISION
Int. Filing Date: 27 October 2006	:	
Priority Date Claimed: 21 November 2005	:	
Attorney Docket No.: 1094-013406-US (PAR)	:	
For: LANDING GEAR CASING PROVIDED WITH A BOX STRUCTURE	:	

This is in response to applicant's "Request for Reconsideration" filed 10 April 2009, which is being treated as a renewed petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 October 2006, applicant filed international application PCT/EP2006/067849, which claimed priority of an earlier France application filed 21 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 21 May 2008.

On 20 May 2008, applicant filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web"). The submission was accompanied by, *inter alia*, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371".

On 09 June 2008, the USPTO mailed a Notice to File Missing Parts of Nonprovisional Application.

On 29 September 2008, applicant filed a petition under 37 CFR 1.181.

On 04 February 2009, this Office mailed a decision dismissing the 29 September 2008 petition.

On 10 April 2009, applicant filed the present renewed petition under 37 CFR 1.181.

DISCUSSION

The instant petition renews applicant's request that the 20 May 2008 papers be treated as a national stage application filed under 35 U.S.C. 371.

The petition states that applicant's error in the present application is not the type of conflicting instruction discussed in MPEP 1893.03(a). However, MPEP 1893.03(a) states in relevant part, "[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)." (Emphasis added.) In the present case, the 20 May 2008 submission included a specific indication that the application type was a utility application filed under 35 U.S.C. 111(a). See Electronic Acknowledgement Receipt, EFS ID 3331903. This indication directly conflicts with any stated desire to have the application treated as a national stage application under 35 U.S.C 371.

The petition states that when there are inconsistencies between an application data sheet and other documents, bibliographic information is captured from the application data sheet. However, 37 CFR 1.76(d)(4) merely states how the Office will capture bibliographic information and does not state that the application data sheet will govern the section of the statute under which the application is filed. MPEP 1893.03(a) clearly sets forth the Office's policy in determining the applicable section of the statute.

The petition states that the submission of Form PTO-1390 clearly and unambiguously identified the submission of a national stage application. While the submission of Form PTO-1390, *taken alone*, would serve as a clear intention to file under 35 U.S.C. 371, applicant's conflicting indication of the 35 U.S.C. 111(a) application type contradicts any stated intent to file under 35 U.S.C. 371. In the event of such a conflict, MPEP 1893.03(a) specifically provides that the application will be accepted under 35 U.S.C. 111(a).

The petition states that the application data sheet filed on 20 May 2008 clearly and unambiguously identifies the submission as a national stage application under the domestic benefit heading. However, a review of the application data sheet filed 20 May 2008 reveals that international application PCT/EP2006/067849 was listed as a foreign priority application.

The petition states that the EFS-Web user interface form is not a utility patent application transmittal form and does not include a benefit claim under 35 U.S.C. 120. However, the use of a utility patent application transmittal letter (Form PTO/SB/05) or a claim of domestic benefit to the international application under 35 U.S.C. 120 are merely examples of instructions indicative of a filing under 35 U.S.C. 111(a) and do not constitute an exhaustive list of every possible conflicting instruction. In fact, the selection of the 35 U.S.C. 111(a) application type is arguably a much clearer indication of a filing under 35 U.S.C. 111(a) since it references the exact section of the statute.

Therefore, as stated in the decision mailed 04 February 2009, due to the presence of a conflicting instruction, the papers filed on 20 May 2008 were properly accepted as a filing under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 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).

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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FAIRFIELD, CT 06824

In re Application of DE RUFFRAY et al	:	
U.S. Application No.: 12/123,958	:	
PCT Application No.: PCT/EP2006/067849	:	DECISION
Int. Filing Date: 27 October 2006	:	
Priority Date Claimed: 21 November 2005	:	
Attorney Docket No.: 1094-013406-US (PAR)	:	
For: LANDING GEAR CASING PROVIDED WITH A BOX STRUCTURE	:	

This is in response to applicant's "Second Request for Reconsideration" filed 20 July 2009, which is being treated as a second renewed petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 October 2006, applicant filed international application PCT/EP2006/067849, which claimed priority of an earlier France application filed 21 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 21 May 2008.

On 20 May 2008, applicant filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web"). The submission was accompanied by, *inter alia*, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371".

On 09 June 2008, the USPTO mailed a Notice to File Missing Parts of Nonprovisional Application.

On 29 September 2008, applicant filed a petition under 37 CFR 1.181.

On 04 February 2009, this Office mailed a decision dismissing the 29 September 2008 petition.

On 10 April 2009, applicant filed a renewed petition under 37 CFR 1.181.

On 22 May 2009, this Office mailed a decision dismissing the 10 April 2009 renewed petition.

On 20 July 2009, applicant filed the present second renewed petition under 37 CFR 1.181.

DISCUSSION

The instant petition renews applicant's request that the 20 May 2008 papers be treated as a national stage application filed under 35 U.S.C. 371.

The petition states that data that is entered into the EFS-Web user interface should not be deemed an "instruction" because there is no signature or verification requirement to submit such information. However, the selection in EFS-Web of the type of application the user desires to file is certainly an instruction, and such instruction is essential in determining the data prompts of the EFS-Web user interface. Petitioner has not provided any evidence that data entered into the EFS-Web system is to be disregarded.

The petition states that signed correspondence should take precedence over nonsigned correspondence. However, MPEP 1893.03(a) refers to **any** conflicting instructions, not just those that appear in a document that bears a signature. MPEP 1893.03(a) provides no statement that suggests that nonsigned instructions should be ignored.

The petition states that the MPEP does not provide any examples of non signed conflicting instructions. However, as stated in the previous decision, the MPEP does not contain an exhaustive list of every possible conflicting instruction. As stated above, MPEP 1893.03(a) does not suggest in any way that instructions lacking a signature do not count as instructions or that data entered into the EFS-Web user interface does not count as an instruction.

Therefore, as stated in the decisions mailed 04 February 2009 and 22 May 2009, due to the presence of a conflicting instruction, the papers filed on 20 May 2008 were properly accepted as a filing under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.181 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).

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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In re Application of DE RUFFRAY et al	:	
U.S. Application No.: 12/123,958	:	
PCT Application No.: PCT/EP2006/067849	:	
Int. Filing Date: 27 October 2006	:	DECISION
Priority Date Claimed: 21 November 2005	:	
Attorney Docket No.: 1094-013406-US (PAR)	:	
For: LANDING GEAR CASING PROVIDED	:	
WITH A BOX STRUCTURE	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 04 November 2009.

BACKGROUND

On 27 October 2006, applicant filed international application PCT/EP2006/067849, which claimed priority of an earlier France application filed 21 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 21 May 2008.

On 20 May 2008, applicant filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web"). The submission was accompanied by, *inter alia*, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371".

On 09 June 2008, the USPTO mailed a Notice to File Missing Parts of Nonprovisional Application.

On 29 September 2008, applicant filed a petition under 37 CFR 1.181.

On 04 February 2009, this Office mailed a decision dismissing the 29 September 2008 petition.

On 10 April 2009, applicant filed a renewed petition under 37 CFR 1.181.

On 22 May 2009, this Office mailed a decision dismissing the 10 April 2009 renewed petition.

On 20 July 2009, applicant filed a second renewed petition under 37 CFR 1.181.

On 09 October 2009, this Office mailed a decision dismissing the 20 July 2009 second renewed petition.

On 04 November 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The instant petition requests that the present application be converted from an application filed under 35 U.S.C. 111(a) to a national stage application filed under 35 U.S.C. 371.

U.S. statutes and regulations do not specifically provide for the requested action and as such the Office does not grant petitions for conversion as a matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g. the loss of patent rights) where no other remedy is available. In the present case, the petition states that the requested action is necessary to avoid the loss of patent rights because the present application was filed more than twelve months after the filing date of the foreign priority application. However, the present 35 U.S.C. 111(a) application may claim the benefit of international application PCT/EP2006/067849 under 35 U.S.C. 120 and 365(c). See MPEP 1895. Because international application PCT/EP2006/067849 was filed within twelve months from the filing date of the foreign priority application, the present application would be entitled to foreign priority under 35 U.S.C. 119 through intermediate domestic application PCT/EP2006/067849 (which designated the U.S.), provided that the requirements of 37 CFR 1.55 and 1.78 are met.[1] Because this remedy is available, conversion of the present application to an application filed under 35 U.S.C. 371 would not be appropriate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

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

[1] Applicant is advised that because the specific reference required by 37 CFR 1.78(a)(2)(i) was not filed within the period set forth in 37 CFR 1.78(a)(2)(ii), a proper petition under 37 CFR 1.78(a)(3) would be required to add the necessary reference.

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
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PERMAN & GREEN, LLP
99 HAWLEY LANE
STRATFORD, CT 06614

In re Application of	:	
DE RUFFRAY et al	:	
Application No.: 12/123,958	:	DECISION ON PETITION
Filing Date: May 20, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 1094-013406-US (PAR)	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 16, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application PCT/EP2006/067849 set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). 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 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. 120 is

submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP 201.06(c) and 608.04(b).

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

16 JUN 2010

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PERMAN & GREEN, LLP
99 HAWLEY LANE
STRATFORD, CT 06614

In re Application of	:	
DE RUFFRAY et al	:	
Application No.: 12/123,958	:	DECISION ON PETITION
Filing Date: May 20, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 1094-013406-US (PAR)	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 11, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application PCT/EP2006/067849 set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). 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 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the

petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3644 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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7/9/2010

Patent No. :7723664
Ser. No. :12/123987
Inventor(s) :Honda et al.
Issued :5/25/10
Title :IMAGING APPARATUS HAVING ELECTRON SOURCE ARRAY
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

OBLON SPIVAK McCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

HR

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JUL 23 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of:
BHATTIPROLU, SUKADEV, et al.
Serial No.: 12/124,012
Filed: May 20, 2008

Title: **METHOD AND SYSTEM FOR USING RFID TO AUTOMATICALLY LOCK AND UNLOCK A MOBILE COMPUTING DEVICE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/ subclasses: 726/20.

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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1180 PEACHTREE ST.
ATLANTA GA 30309

MAIL

OCT 28 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
BHATTIPROLU, SUKADEV, et al.
Serial No.: 12/124,012
Filed: May 20, 2008

Title: **METHOD AND SYSTEM FOR USING RFID TO AUTOMATICALLY LOCK AND UNLOCK A MOBILE COMPUTING DEVICE**

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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of :
Fred Victorson :

Application No. 12124042 :DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
Filed: :

Attorney Docket No. 094897.000008

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 20-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.

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12124042	Confirmation Number	1986	Filing Date	2008-05-20
Attorney Docket Number (optional)	094897.000008	Art Unit		Examiner	
First Named Inventor	Fred Victorson				
Title of Invention	TELEVISION STATION, ASSOCIATED CONVENTIONS AND OTHER DEDICATED SERVICES FOR A DEMOGRAPHIC COMPRISING PERSONS FIFTY YEARS OLD AND OLDER				

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
Fred		Victorson	

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	/Rob L. Phillips, #40305/	Date (YYYY-MM-DD)	2008-05-20
Name	Rob L. Phillips	Registration Number	40305

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.

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OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of	:	
JI, Henry	:	
Application No. 12/124,048	:	DECISION ON PETITION
Filed: March 20, 2008	:	TO WITHDRAW
Attorney Docket No. **39603-702.301**	:	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 19, 2010.

The request is not approved because it is **MOOT**.

A review of the file record indicates that the power of attorney to TOWNSEND AND TOWNSEND AND CREW, LLP has been revoked by the assignee of the patent application on April 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **WILSON, SONSINI, GOODRICH & ROSATI**
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,108	05/20/2008	Jinmei Shen	ROC920080269US1 (105110)	2110

78148 7590 11/25/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
DHARIA, RUPAL

ART UNIT	PAPER NUMBER
2441	

MAIL DATE	DELIVERY MODE
11/25/2008	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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ATLANTA GA 30309

In re Application of: SHEN, Jinmei et al. ::
Serial No.: 12/124,108 ::
Filed: May 20, 2008 :
Docket: ROC920080269US1 ::
Title: EFFICIENT APPROACH WITH THE TOLERATION OF STATE DATA TO DYNAMICALLY TRANSFORM AND UNIFY DATA QUALITY IN CLIENT AND SERVER WITH CONTINUOUS TRANSACTION FLOWS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention

(invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not
fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400
Computer Architecture, Software and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,119	05/20/2008	Mark R. Beckenbaugh	ROC920080329US1 (105116)	2129

78148 7590 09/18/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LIN, SUN J

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
09/18/2008	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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KING & SPALDING
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In re Application of: BECKENBAUGH et al Serial No.: 12/124,119 Filed: May 20, 2008 Title: SYETEM AND METHOD FOR AUTO-ROUTING JOG ELIMINATION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6.5, the petition is required to provide a showing of where ***each limitation*** (italics added) of the claims finds support under 35 USC 112, first paragraph in the ***written description*** (italics added) of the specification. The support document simply states support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraphs [0001]-[0039] as well as in Figures 1-7 of the application. It does not specifically mention any claim limitation and specifically where support for each claim imitation can be found. For these reasons, the petition does not meet the requirement of section II, subsection 6.5.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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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.
12/124,119	05/20/2008	Mark R. Beckenbaugh	ROC920080329US1 (105116)	2129

78148 7590 11/10/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LIN, SUN J

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: Mark R. Beckenbaugh et al. Serial No.: 12/124,119 Filed: May 20, 2008 Docket No.: ROC920080329US1 Title: SYSTEM AND METHOD FOR AUTO-ROUTING JOG ELIMINATION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on October 17, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose G. Dees, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

JD/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,120	05/20/2008	Mark R. Beckenbaugh	ROC920080218US1 (105098)	2130

78148 7590 09/18/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LIN, SUN J

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
09/18/2008	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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ATLANTA GA 30309

In re Application of: BECKENBAUGH et al Serial No.: 12/124,120 Filed: May 20, 2008 Title: SYETEM AND METHOD FOR AUTO-ROUTING JOG ELIMINATION	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 20, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6.5, the petition is required to provide a showing of where ***each limitation*** (italics added) of the claims finds support under 35 USC 112, first paragraph in the ***written description*** (italics added) of the specification. The support document simply states support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraphs [0001]-[0039] as well as in Figures 1-7 of the application. It does not specifically mention any claim limitation and specifically where support for each claim imitation can be found. For these reasons, the petition does not meet the requirement of section II, subsection 6.5.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,120	05/20/2008	Mark R. Beckenbaugh	ROC920080218US1 (105098)	2130

78148 7590 11/25/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
LIN, SUN J

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
11/25/2008	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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ATLANTA GA 30309

In re Application of: BECKENBAUGH et al. Serial No.: 12/124,120 Filed: May 20, 2008 Title: SYSTEM AND METHOD FOR AUTO-ROUTING JOG ELIMINATION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed October 17, 2008. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on September 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.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,121	05/20/2008	Eric C. Johnson	SKY1P004	2131

58766 7590 02/16/2010
Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

EXAMINER
GARDNER, SHANNON M

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

FEB 16 2010

In re Application of	:	
Johnson et al.	:	DECISION ON PETITION
Application No. 12/124,121	:	TO MAKE SPECIAL UNDER
Filed: 5/20/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **SKY1P004**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/13/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 7 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 early publication fee in accordance with this notice.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Santoro, et al.	:	DECISION GRANTING STATUS
Application No. 12/124,125	:	UNDER 37 CFR 1.47(a)
Filed: May 20, 2008	:	
Attorney Docket No. 17651-0040001	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 30, 2008.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor refuses to execute the declaration for the instant application, after having been presented with the application papers (specification, including claims, drawings, and declaration).

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Klaus Lagermann
Stockholmsgade 19, st th.
DK-2100 Copenhagen
Denmark

COPY MAILED
MAR 17 2009
OFFICE OF PETITIONS

In re Application of
Santoro, et al.
Application No. 12/124,125
Filed: May 20, 2008
Attorney Docket No. 17651-0040001

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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United States Patent and Trademark Office
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Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Dharin Shah et al.	:	
Application No. 12/124,162	:	DECISION ON PETITION
Filed: May 21, 2008	:	
Attorney Docket No. Ti-61876	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed July 16, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 17, 2008. A Notice of Abandonment was mailed on March 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 28, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,199	05/21/2008	PETER ASPLUND	GTE-08-1040	2265

35811 7590 06/13/2008
IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER
MARKOFF, ALEXANDER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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glm

6-13-08

In re application of Peter Asplund Serial No. 12/124,199 Filed: May 21, 2008 For: METHOD AND APPARATUS FOR WASHING OBJECTS	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 21, 2008 to make the above-identified application special under the accelerated examination program.

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).

DECISION

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with section II, subsections 5 and 6.

First, it appears that the search (section II, subsection 5.1) is incomplete. A search in the following class and subclasses is required:

134/19, 20, 32, 33, 34, 36, 37, 42, and 134

Also, the accelerated examination support document (section II, subsections 6.2 and 6.3) in incomplete. The IDS filed 2/8/08 lists some 19 different references, whereas the accelerated examination support document discusses only four of the references. As noted in the Accelerated Examination FAQs (http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf) each reference in the IDS must be discussed:

> For each reference cited in the IDS of the AESD, the AESD must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The AESD must also include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR §1.111 (b) and (c).

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner 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 Gregory Mills, Quality Assurance Specialist, at (571) 272-1439.

/Gregory Mills/

Gregory Mills
Quality Assurance Specialist
Technology Center 1700

IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,199	05/21/2008	PETER ASPLUND	GTE-08-1040	2265

35811 7590 07/15/2008
IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER
MARKOFF, ALEXANDER

ART UNIT	PAPER NUMBER
1792	

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.

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7-15-08

In re application of Peter Asplund Serial No. 12/124,199 Filed: May 21, 2008 For: METHOD AND APPARATUS FOR WASHING OBJECTS	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL, filed on July 11, 2008 to make the above-identified application special under 37 C.F.R. § 1.102(d).

As the previously noted defects have been corrected by the request for reconsideration and accompanying documents, 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 Gregory Mills, Quality Assurance Specialist, at (571) 272-1439.

Gregory Mills
Quality Assurance Specialist
Technology Center 1700

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10363-A DEMOCRACY LANE
FAIRFAX, VA 22030

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OFFICE OF PETITIONS

In re Application of	:	
Kevin R. Curtis, et al.	:	
Application No. 12/124,209	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. INPJ-0002-UT2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Steven J. Kelber on behalf of himself. Mr. Kelber has been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

A review of the records shows that Mr. Kelber has successfully filed for reinstatement as of the date of the granted petition signed by Harry I. Moatz on February 3, 2009.

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

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MICHAUD-DUFFY GROUP LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN CT 06457

MAILED

APR 27 2009

OFFICE OF PETITIONS

Applicant: Gomes
Appl. No.: 12/124,220
Filing Date: May 21, 2008
Title: POLYMER ELECTROLYTE MEMBRANE COMPRISING COORDINATION POLYMER
Attorney Docket: 1236-0001
Pub. No.: US 2008/0261101 A1
Pub. Date: October 13, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 12, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the second assignee data is missing.

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 both assignees on the front page of the published patent application is an Office error but it is not a material error, as required by 37 CFR 1.221(b). The error in the assignment information 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. See MPEP 1130. The specification and

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

claims were accurately published, thus one can read and understand the content of the application.

On July 1, 2008 and July 8, 2008, Filing Receipts were mailed by the Office, which improperly listed the assignment information, as only one assignee was listed. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt prior to publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Shinya Hirai	: DECISION ON REQUEST FOR
Patent Number	: 7633366	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/124,314	: 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 **79** 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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Dressen, et al.	:	ON PETITION
Application No.: 12/124,358	:	
Filed: May 21, 2008	:	
Attorney Docket No.: MBHB 08-524-US	:	

This is a decision on the petition under 37 CFR 1.47(a), filed December 30, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), petitioners have failed to establish that Mr. Mattson has refused to join in the filing of the above-identified application.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The statement of facts does not establish that a complete copy of the application was presented to Mr. Mattson. The statement of facts, paragraph (6) states, "On September 22, 2008, Beverly Dynes, Senior Paralegal, Patents, of Elan Pharmaceuticals, Inc. sent the Declaration, Power of Attorney and Assignment documents to Mr. Mattson...."

Mr. Mattson must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioners can show that Mr. Mattson was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioners will have satisfied this requirement.

Any future filed statement of facts must be signed by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. MPEP 409.03(d)

Pursuant to petitioners' authorization, deposit account no. 13-2490 will be charged the required $200.00 Rule 47 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

Mail Date: 04/21/2010

Applicant	: James Michael Burry	: DECISION ON REQUEST FOR
Patent Number	: 7640672	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/124,370	: 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.

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ONE BAXTER PARKWAY
MAIL STOP DF2-2E
DEERFIELD IL 60015

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AUG 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Peter Matthiessen, et al.	:	
Application No. 12/124,390	:	ON PETITION
Filed: May 21, 2008	:	
Attorney Docket No. 20695C-016600US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed July 3, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 4, 2008. The Notice of Abandonment was mailed March 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and late surcharge of $130, replacement drawings, a Sequence Listing and a copy of the Sequence Listing; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of

agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **ANNETTE S. PARENT**
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

MAILED

APR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Chung Jae Lee	:	DECISION ON PETITION
Application No. 12/124,417	:	TO WITHDRAW
Filed: May 21, 2008	:	FROM RECORD
Attorney Docket: 086121-0025	:	

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 4, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Ladas & Perry was revoked as power of attorney by the assignee of the patent application on March 26, 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: MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Yan Li	: DECISION ON REQUEST FOR
Patent Number	: 7630248	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/124,440	: 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

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.
12/124,448	05/21/2008	Chin Kang Sha	4929/0114PUS1	2727

60601 7590 02/17/2010
Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

EXAMINER
ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
1795	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

Applicant: Sha et al.
Appl. No.: 12/124,448
Filing Date: May 21, 2008
Title: METALLOCENYL PHTHALOCYANINE COMPOUNDS AND USE THEREOF
Attorney Docket No.: 4929/0114PUS1
Pub. No.: US 2008/0220367 A1
Pub. Date: September 11, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 12, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 02/18/2010 KKING1
02/16/2010 INTEFSW 00004680 12124448
01 FC:1504 -300.00 OP

Refund Ref:
02/18/2010 0030080002

Credit Card Refund Total: $300.00

VISA....: XXXXXXXXXXXX3652

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.
12/124,463	05/21/2008	Satoru ASAGIRI	326666US2S	2753

7590 05/07/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
3737	

NOTIFICATION DATE	DELIVERY MODE
05/07/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 05/06/2010 0030083373

Credit Card Refund Total: $510.00

AD Exp.: XXXXXXXXXXXX1001

Adjustment date: 05/06/2010 NFARMER
05/21/2008 INTEFS0 00038192 12124463
02 FC:1111 -510.00 CP

FORM PET651G (Rev. 08/07)

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

COPY MAILED

OCT 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert Nino, Richard Madore,	:	
James Abumrad, Roger Haas,	:	
James Dixon, Kim Peterson, Rob	:	DECISION ON TWO PETITIONS
Regan, Simon Westbrook, and Dan	:	PURSUANT TO
Castellano	:	37 C.F.R. §§ 1.47(A) AND
Application No. 12/124,470	:	1.48(A)
Filed: May 21, 2008	:	
Attorney Docket No. AMBE0003	:	
Title: MESSENGER STRAND MOUNTED	:	
PICO-CELL RADIO	:	

This is in response to the two petitions pursuant to 37 C.F.R. 37 C.F.R. §§ 1.47(a) and 1.48.

The petition pursuant to 37 C.F.R. § 1.47(a) **DISMISSED.**

The petition pursuant to 37 C.F.R. § 1.48(a) **DISMISSED.**

On May 21, 2008, the application was filed, identifying Robert Nino, Richard Madore, James Abumrad, Roger Haas, James Dixon, Kim Peterson, Rob Regan, Simon Westbrook, and Dan Castellano as joint inventors. The application was deposited with a declaration that was executed by each of the joint inventors save Mr. Castellano. On June 4, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

In response to this notice, Petitioner has submitted, *inter alia*, these two petitions, a request to delete each of the joint inventors but for Messrs. Nino and Castellano, a declaration that has been executed by Mr. Nino that sets forth the correct

inventive entities, and a two-month extension of time so as to make timely this response.

The petition pursuant to 37 C.F.R. § 1.47(a):

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has included, *inter alia*, the required surcharge, an acceptable declaration, and an assertion that this individual has refused to execute the declaration.[1]

The $200 petition fee will be charged to Petitioner's Deposit Account in due course.

Petitioner has met requirements (1), (2), and (5) of 37 C.F.R. § 1.47(a).

Regarding the third requirement of 37 C.F.R. § 1.47(a), Petitioner has failed to include a statement of the last known address of the non-signing inventor.[2]

Regarding the fourth requirement of 37 C.F.R. § 1.47(a), the record does not support a finding that a complete copy of the application was provided to the non-signing inventor for his review. Petitioner has asserted that the letter of May 8, 2008 contains a request for the non-signing inventor

1 Petition, paragraph 2 and e-mail dated May 21, 2008.
2 See MPEP § 409.03(e).

to "review the draft patent application."[3] However **this assertion does not appear to be accurate**: the copy of the letter of May 8, 2008 that was provided with this petition has been reviewed by the undersigned, and it contains no such request. The letter is silent as to the inclusion of a copy of the application, and it appears that only a copy of the "assignment and declarations" were included with the mailing. **On renewed petition, Petitioner must explain why he made an assertion to the Office that is contradicted by the record.**

Where a refusal of the inventors to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration[4].

It follows that since it has not been shown that a complete copy of the application was sent to the non-signing inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventors be presented with the application papers before a petition under Rule 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed.[5]

Petitioner will note that the presentation should be done via mail, as opposed to the inclusion of the complete copy of the application as an attachment to an e-mail: the transmission of documents via e-mail, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor that he has received, opened and read the relevant documents, unlike a printed page in the language of the

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3 Petition, paragraph 2(b).
4 See MPEP § 409.03(d).
5 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

recipient, there is no basis to presume that an e-mailed document was in a form that could be read and comprehended.

The petition pursuant to 37 C.F.R. § 1.48(a):

A grantable petition under 37 C.F.R. §1.48(a) requires:

(1) the petition fee as set forth in 37 C.F.R. §1.17(i);
(2) A request to correct the inventorship that sets forth the desired inventorship change;
(3) 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;
(4) either an oath or a declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or § 1.47, and;
5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

With this petition, Petitioner has included the petition fee, a request to correct the inventorship that sets forth the desired inventorship change, and a statement from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his part. As indicated above, Petitioner has also included a declaration that has been executed by Mr. Nino.

Petitioner has met requirements (1) - (3) of 37 C.F.R. § 1.48(a). The fifth requirement is not applicable, as it does not appear that the original named inventors executed an assignment document.

Regarding the fourth requirement of 37 C.F.R. § 1.48(a), Petitioner has not submitted an oath that has been executed by each of the actual inventors, and as indicated above, the petition pursuant to 37 C.F.R. § 1.47(a) has not been granted.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petitions pursuant to 37 C.F.R. §§ 1.47(a) and 1.47(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Before filing the renewed petition, Petitioner should mail a complete copy of the application to the non-signing joint inventor, and provide him with a reasonable period of time

to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Nino, Richard Madore,	:	
James Abumrad, Roger Haas,	:	
James Dixon, Kim Peterson, Rob	:	DECISION ON TWO RENEWED
Regan, Simon Westbrook, and Dan	:	PETITIONS PURSUANT TO
Castellano	:	37 C.F.R. §§ 1.47(A) AND
Application No. 12/124,470	:	1.48(A)
Filed: May 21, 2008	:	
Attorney Docket No. AMBE0003	:	
Title: MESSENGER STRAND MOUNTED	:	
PICO-CELL RADIO	:	

This is in response to the two renewed petitions pursuant to 37 C.F.R. 37 C.F.R. §§ 1.47(a) and 1.48, filed concurrently on February 27, 2009.

The renewed petition pursuant to 37 C.F.R. § 1.47(a) **GRANTED**.

The renewed petition pursuant to 37 C.F.R. § 1.48(a) **DISMISSED**.

On May 21, 2008, the application was filed, identifying Robert Nino, Richard Madore, James Abumrad, Roger Haas, James Dixon, Kim Peterson, Rob Regan, Simon Westbrook, and Dan Castellano as joint inventors. The application was deposited with a declaration that was executed by each of the joint inventors save Mr. Castellano. On June 4, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

In response to this notice, Petitioner submitted, *inter alia*, two original petitions pursuant to 37 C.F.R. 37 C.F.R. §§ 1.47(a) and

1.48, a request to delete each of the joint inventors but for Messrs. Nino and Castellano, a declaration that has been executed by Mr. Nino that sets forth the correct inventive entities, and a two-month extension of time so as to make timely this response.

The renewed petition pursuant to 37 C.F.R. § 1.47(a):

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. 37 C.F.R. § 1.47(a) was filed on October 3, 2008, along with, *inter alia*, the required surcharge, an acceptable declaration, and an assertion that this individual has refused to execute the declaration.[1] The petition fee was subsequently charged to Petitioner's Deposit Account.

The original petition pursuant to 37 C.F.R. 37 C.F.R. § 1.47(a) was dismissed via the mailing of a decision on October 27, 2008, which indicated that requirements (1), (2), and (5) of 37 C.F.R. § 1.47(a) had been satisfied.

With this renewed petition, Petitioner has included a statement of the last known address of the non-signing inventor and proof that a complete copy of the application was provided to the non-signing inventor for his review.

As such, each of the requirements of Rule 1.47(a) has been

1 Original petition, paragraph 2 and e-mail dated May 21, 2008.

satisfied.

The renewed petition pursuant to 37 C.F.R. § 1.48(a):

A grantable petition under 37 C.F.R. § 1.48(a) requires:

(1) the petition fee as set forth in 37 C.F.R. §1.17(i);
(2) A request to correct the inventorship that sets forth the desired inventorship change;
(3) 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;
(4) either an oath or a declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or § 1.47, and;
5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

An original petition pursuant to 37 C.F.R. 37 C.F.R. § 1.48 was filed on October 3, 2008, along with the petition fee, a request to correct the inventorship that sets forth the desired inventorship change, a statement from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his part, and a declaration that has been executed by Mr. Nino.

The original petition was dismissed via the mailing of a decision on October 27, 2008, which indicated that requirements (1) - (3) of 37 C.F.R. § 1.48(a) had been satisfied.

The fourth requirement of 37 C.F.R. § 1.48(a) has been satisfied, as the petition pursuant to Rule 1.47(a) has been granted.

Regarding the fifth requirement of Rule 1.48(a), the decision on the original petition indicated that this requirement "is not applicable, as it does not appear that the original named inventors executed an assignment document."

The Office has since reconsidered its position on this matter. The record supports a finding that Petitioner "represents Amber Networks,"[2] and it is clear that this petition has been filed on behalf of this business entity. As such, it is clear that Amber Networks is the assignee of the present application, despite the fact that the record does not show that an assignment document has been provided.

2 Letter dated January 15, 2009, submitted with renewed petition.

The undersigned contacted Petitioner on March 20, 2009, and indicated that she would be given until the close of business on March 27, 2009 to provide both a statement pursuant to 37 C.F.R. § 3.73b and the written consent of assignee, via the EFS-Web. As of the mailing of this decision, this submission has not been provided.[3]

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.48(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should include **both a statement pursuant to 37 C.F.R. § 3.73b and the written consent of assignee**, and should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

This application is hereby accorded Rule 1.47(a) status. However, **this Office will not forward notice of this application's filing to the non-signing inventor at the address given in the declaration at this time. This mailing will be held in abeyance, pending the resolution of the matter pursuant to Rule 1.48(a).**

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3 It is noted in passing that on March 27, 2009, at 7:31 PM, an E-mail was received from one Della C. Revecho, an employee of Petitioner's firm. However, the rules, statutes, and provisions that govern the operation of this Office do not provide for the submission of documents via E-mail. Moreover, the electronic file does not contain an authorization under Patent Internet Usage Policy Article 5, and as such, utilizing Internet e-mail to conduct an exchange of communication is prohibited by MPEP § 502.03(V).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

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AUG 03 2009

OFFICE OF PETITIONS

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

In re Application of	:	
Robert Nino and Dan Castellano	:	
Application No. 12/124,470	:	DECISION ON SECOND RENEWED
Filed: May 21, 2008	:	PETITION PURSUANT TO
Attorney Docket No. AMBE0003	:	37 C.F.R. § 1.48(A)
Title: MESSENGER STRAND MOUNTED	:	
PICO-CELL RADIO	:	

This is in response to the second renewed petition pursuant to 37 C.F.R. 37 C.F.R. § 1.48, filed on March 31, 2009.

This second renewed petition pursuant to 37 C.F.R. § 1.48(a) **GRANTED**.

On May 21, 2008, the application was filed, identifying Robert Nino, Richard Madore, James Abumrad, Roger Haas, James Dixon, Kim Peterson, Rob Regan, Simon Westbrook, and Dan Castellano as joint inventors. The application was deposited with a declaration that was executed by each of the joint inventors save Mr. Castellano. On June 4, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

In response to the notice, Petitioner submitted, *inter alia*, two original petitions pursuant to 37 C.F.R. 37 C.F.R. §§ 1.47(a) and 1.48, a request to delete each of the joint inventors but for Messrs. Nino and Castellano, a declaration that has been executed by Mr. Nino that sets forth the correct inventive entities, and a two-month extension of time so as to make timely this response.

A grantable petition under 37 C.F.R. § 1.48(a) requires:

(1) the petition fee as set forth in 37 C.F.R. §1.17(i);
(2) A request to correct the inventorship that sets forth the desired inventorship change;
(3) 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;

(4) either an oath or a declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or § 1.47, and;

5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

An original petition pursuant to 37 C.F.R. 37 C.F.R. § 1.48 was filed on October 3, 2008, along with the petition fee, a request to correct the inventorship that sets forth the desired inventorship change, a statement from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his part, and a declaration that has been executed by Mr. Nino. The original petition was dismissed via the mailing of a decision on October 27, 2008, which indicated that requirements (1) - (3) of 37 C.F.R. § 1.48(a) had been satisfied.

A renewed petition pursuant to 37 C.F.R. 37 C.F.R. § 1.48 was filed on February 27, 2009, and was dismissed via the mailing of a decision on March 30, 2009, which indicated that the fourth requirement of 37 C.F.R. § 1.48(a) has been satisfied, as the renewed petition pursuant to Rule 1.47(a) was granted.

With this second renewed petition pursuant to 37 C.F.R. § 1.48, Petitioner has included both a statement pursuant to 37 C.F.R. § 3.73b and the written consent of the assignee.

Each of the five requirements of Rule 1.48(a) has been satisfied. As such, Office records have been updated so that Richard Madore, James Abumrad, Roger Haas, James Dixon, Kim Peterson, Rob Regan, and Simon Westbrook are no longer associated with this application as inventive entities.

A corrected filing receipt has been enclosed with this decision.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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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
12/124,470	05/21/2008	2618	500	AMBE0003	12	2

CONFIRMATION NO. 2767

CORRECTED FILING RECEIPT

22862
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

OC000000037180376

Date Mailed: 08/03/2009

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)

Robert Nino, Newbury Park, CA;
Dan Castellano, Cupertino, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/30/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/124,470**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

MESSENGER STRAND MOUNTED PICO-CELL RADIO

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WEST PALM BEACH, FL 33402-3188

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JUN 16 2008

In re Application of	:	
EDELL, James J.	:	
Application No. 12/124,485	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **8522-1-1**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 21, 2008 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification by registered attorney Michael K. Dixon attesting to the age of inventor James J. Edell. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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CANTOR COLBURN LLP - IBM LOTUS
20 Church Street
22nd Floor
Hartford CT 06103

SEP 26 2008

In re Application of: CALLANAN, SEAN et al.
Application No.: 12/124,539
Filed: May 21, 2008
Title: TEMPORAL VISUALIZATIONS OF COLLABORATIVE EXCHANGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 21, 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**.

In view of the fact that this application is a continuation of the allowed Application Number 11/944,886, Applicant should consider whether it would not be more expedient to request a telephonic interview with the examiner of the application for which domestic priority is claimed, and to inquire when a first Office Action would be expected in view of the effective filing date of the present application.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U:S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.3, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-6; the "accelerated examination support document" (AESD) comprising pages 1-19, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching as follows:

Class/subclasses required:

715/706, 745, 752, 754-758
709/204-207

Keyword search on EAST/WEST:

(conferenc$3 chat chatting environment application GUI (graphical near interface) (user near interface) UI) -> L1

(present$3 display$3 render$3 show$3) with (history historic log record) with (message exchange session conversation dialog chat) with (graphical$2 visual$2 temporal visualization virtualization virtualiz$3)-> L2

(username userid buddy buddies playmate chatmate participant friend pal conferee user entity) with (available availability presence status) and L1 -> L3

L2 and L3

Keyword search on NPL databases including: Google, ACM Digital Library, IEEE Explore: visualization of collaborative conversation

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does it allow for grouping and general discussions. A grantable

petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

Petitioner's submission is not specific enough. Petitioner points out some limitations of the claim and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") the presently filed claim (i.e., the claim of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of said presently filed claim is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., recitations that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

Note to the Applicant: page 9 of the AESD as scanned into eDAN (the electronic file wrapper of at the USPTO) is blank.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claim finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition identifies portions of text with respect to claim limitations as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim the presently filed claim (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to this effect in lieu to the required mapping is acceptable. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard (requirement presently satisfied).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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22nd Floor
Hartford CT 06103

NOV 24 2008

In re Application of: CALLANAN, SEAN et al
Application No.: 12/124539
Filed: May 21, 2008
Title: TEMPORAL VISUALIZATIONS OF COLLABORATIVE EXCHANGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on October 24, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is 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 Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg, Special Programs Examiner
Technology Center 3700

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LOZA & LOZA LLP
305 N. Second Avenue
#127
Upland CA 91786-6064

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Lynn Potter	:	
Application No. 12/124,573	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO MAKE SPECIAL
Attorney Docket No. POT-1001	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 9, 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(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that 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. If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with the conditions required under category B, as it materially contributes to the development of renewable energy source. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,616	05/21/2008	Punitha Selvam	BUR920080186US1 (3041)	3023

78290 7590 07/22/2008
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

In re Application of:	:	
Punitha Selvam	:	
Serial No.: 12/124,616	:	DECISION ON PETITION TO
Filed: May 21, 2008	:	MAKE SPECIAL FOR NEW
Docket number: BUR920080186US1 (3041)	:	APPLICATION UNDER 37
Title: Method For Generating Integrated Functional	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Testcases For Multiple Boolean Algorithms	:	
From A Single Generic Testcase Template	:	

This is a decision on the petition filed on May 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth in I. 1-4 and II. 1-5 are considered to have been met. However, the petition fails to comply with the all the conditions set forth in II. 6 (specifically II. 6.5). Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support for the entire claim "is found at least in Paragraphs 0009-00014 (sic), and Paragraphs 0026-0030" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the specification. A general description of the invention or a duplication of the entire claim in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

For the above-stated reasons, the petition is **dismissed**.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,616	05/21/2008	Punitha Selvam	BUR920080186US1 (3041)	3023

78290 7590 08/12/2008
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
08/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

In re Application of:	:	
Punitha Selvam	:	
Serial No.: 12/124,616	:	DECISION ON RENEWED
Filed: May 21, 2008	:	PETITION TO MAKE SPECIAL
Attorney Docket No.: BUR920080186US1 (3041)	:	UNDER 37 C.F.R. § 1.102
Title: Method For Generating Integrated Functional	:	& M.P.E.P. § 708.2
Testcases For Multiple Boolean Algorithms	:	
From A Single Generic Testcase Template	:	

This is a decision on the renewed petition filed on July 28, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The renewed petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any

other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue

fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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OFFICE OF PETITIONS

In re Application of	:	
Marzio Pengo et al.	:	
Application No. 12/124,638	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. 0813776.00008	:	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 7, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 6735.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mark I. Peroff, Esq.
Hiscock & Barclay, LLP
Seven Times Square
New York, NY 10036

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Marcelo Elvio De Silvio, et al.	:	
Application No. 12/124,656	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. 0813776.00007	:	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 October 7, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Roger Pitt on behalf of all attorneys of record who are associated with customer No. 00545. All attorneys/agents associated with the Customer Number 00545 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of

the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MARCELO ELVIO DE SILVIO
VIA DIVISONE JULIA, 18
VICENZA, I36100 IT

cc: MARK I. PEROFF, ESQ.
HISCOCK & BARCLAY, LLP
SEVEN TIMES SQUARE
NEW YORK, NY 10036

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/124,656	05/21/2008	Marcelo Elvio DE SILVIO	0813776.00007

CONFIRMATION NO. 3091

POWER OF ATTORNEY NOTICE

545
IP Patent Docketing
K&L GATES LLP
599 Lexington Avenue
33rd Floor
New York, NY 10022-6030

OC000000033855025

Date Mailed: 12/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/07/2008.

- 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

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OFFICE OF PETITIONS

In re Application of	:	
Marcelo Elvio de Silvio	:	
Application No. 12/124,668	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. 0813776.00006	:	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 7, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 6735.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mark I. Peroff, Esq.
Hiscock & Barclay, LLP
Seven Times Square
New York, NY 10036

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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON, CO 80120

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Pedro Matser, et al.	:	
Application No.: 12/124,697	:	DECISION ON PETITION
Filed: May 21, 2008	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. 0064.42	:	

This is a decision on the petition, filed March 26, 2010, which is being treated as a petition under 37 CFR 1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Netherland Application No. 1032450, filed September 6, 2006. The $1,410 petition fee is being charged to counsel's deposit account, as authorized.

The petition is **GRANTED**.

This pending nonprovisional application was filed on May 21, 2008, and while the Application Data Sheet (ADS) did cite a reference to a foreign application, the priority was not claimed. It is noted that benefit to the foreign application was requested on August 6, 2008 in a request for a corrected filing receipt, which is within four months from the actual filing date of the application; however, a claim for priority to the foreign application was not presented on a declaration or a supplemental ADS at that time. The claim for priority was not filed until the filing of the amended ADS on December 18, 2009, which is not within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 3749 for continued examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/124,697	05/21/2008	3749	2110	0064.42	39	3

CONFIRMATION NO. 3146

CORRECTED FILING RECEIPT

25871
SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON, CO 80120

OC000000041745428

Date Mailed: 05/24/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Pedro Matser, Hoogland, NETHERLANDS;
Marcel van Dijk, Spijkenisse, NETHERLANDS;
Robbert Mees Lodder, Den Hoorn (ZH), NETHERLANDS;
Wolter Schaap, Voorst, NETHERLANDS;

Assignment For Published Patent Application

UPTIME TECHNOLOGY B.V., Schiedam, NETHERLANDS

Power of Attorney: The patent practitioners associated with Customer Number 25871

Domestic Priority data as claimed by applicant

This application is a CON of PCT/NL2007/050435 09/06/2007

Foreign Applications

NETHERLANDS 1032450 09/08/2006

If Required, Foreign Filing License Granted: 05/30/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/124,697**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS AND METHOD FOR COOLING A SPACE IN A DATA CENTER BY MEANS OF RECIRCULATION AIR

Preliminary Class

454

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,699	05/21/2008	Brenton Charles Bluhm	065175-0478	3148

26127 7590 02/25/2010
DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304-5086

EXAMINER
BONCK, RODNEY H

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
02/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB 25 2010

Dykema, Gossett PLLC
39577 Woodward Avenue
Suite 300
Bloomfield Hills, MI 48304-5086

In re application of Brenton Charles Bluhm Application No. 12/124,699 Filed: May 21, 2008 For: ROTATIONAL COUPLING DEVICE WITH SEALED KEY	:	**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 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 because 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: 2/25/10

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

COPY MAILED

SEP 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Li-Xi Yang	:	DECISION ON PETITION
Application No. 12/124,712	:	TO WITHDRAW
Filed: July 29, 2008	:	FROM RECORD
Attorney Docket No. 056367-2702	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.§1.36(b) filed July 14, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R.§10.40.

The request is **DISMISSED**.

A review of the file record indicates that Foley & Lardner LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R.§ 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Foley & Lardner LLP not having power of attorney. See MPEP$601.03 and 405.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of

KRAKLOW, Harry K. et al.
Application No. 12/124,719
Filed: May 21, 2008
Attorney Docket No. **18538-007002**

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 06, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Teresa Lavole on behalf of all attorneys of record who are associated with customer No. 26191. All attorneys/agents associated with the Customer Number 26191 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FIRST PRODUCTS, INC.**
2626 EAST 82ND STREET
BLOOMINGTON MN 55425

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PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of

KRAKLOW, Harry K. et al.
Application No. 12/124,730
Filed: May 21, 2008
Attorney Docket No. **18538-007003**

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 06, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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).

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The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FIRST PRODUCTS, INC.**
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BLOOMINGTON MN 55425

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PETER A. HAAS, ESQUIRE
1929 SW 13TH AVENUE
PORTLAND OR 97201

MAILED

APR 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Clarke McAllistor	:	
Application No. 12/124,768	:	DECISION ON PETITION
Filed: May 21, 2008	:	
Attorney Docket No: ADA-08-REG-07	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed July 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 15, 2008. A Notice of Abandonment was mailed March 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Additionally, petitioner contends that "the Notice for Non-compliant Application papers was misdirected before reaching my office by the U.S. Mail or the USPTO, or both." However, a review of USPTO records reveals no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the

Office action was properly mailed to the practitioner at the address of record. The Notice was not returned to the USPTO as undeliverable and therefore considered received by petitioner. Further, petitioner's filing receipt mailed also on July 14, 2008 clearly states "pending completion of Corrected Papers" and therefore considered a secondary form of notification.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,771	05/21/2008	Clarence R. Ogilvie	BUR920080001US1	3279

78419 7590 06/13/2008
IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City, UT 84109

EXAMINER

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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062008

IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City UT 84109

In re Application of: Clarence R. Ogilvie et al. Serial No.: 12/124,771 Filed: May 21, 2008 Docket: BUR920080001US1 Title: DESIGN STRUCTURE FOR FACILITATING ENGINEERING CHANGES IN INTEGRATED CIRCUITS	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 21, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5; II.6.1, II. 6.3, II. 6.4 and II.6.6 above. However, the petition does not meet conditions II.6.5 above.

Regarding the condition set forth in II.6.2 above, the petition fails to include the identification of all the limitations in claims 1 through 3 that are disclosed by 6 (six) of the 8 (eight) references cited in the IDS. All references that are deemed most closely related to the subject matter of the claim must be addressed to meet II.6.2.

Regarding condition set forth in II.6.5 above, the examination support document must point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In the instant petition, the examination support document states: "Support for claim 1 in the disclosure under 35 USC 112, first paragraph, is found at least in Figures 1 through 7 and paragraphs [0017]-[0035] of the patent application, where limitations (a)-(c) of the claimed design structure correspond to the elements disclosed therein. Support for claim 2 is found at least in Figure 4 and paragraph [0029] of the patent application. Support for claim 3 is found at least in Figure 1 and paragraphs [0018]-[0020] of the patent application." While it is agreed that support for claim 1 is found the all the drawing figures and nearly the entire section of the description of the invention, this is not the level of specificity required under II.6.5. Petitioner is required to point out where each limitation of the claims finds support in the specification and not where each claim finds support in the specification. Accordingly, the petition fails to meet conditions II.6.5 above for special status.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,771	05/21/2008	Clarence R. Ogilvie	BUR920080001US1	3279

78419 7590 07/14/2008
IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City, UT 84109

EXAMINER

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

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072008

IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City UT 84109

In re Application of: Clarence R. Ogilvie et al. Serial No.: 12/124,771 Filed: May 21, 2008 Docket: BUR920080001US1 Title: DESIGN STRUCTURE FOR FACILITATING ENGINEERING CHANGES IN INTEGRATED CIRCUITS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This communication is a reply to the "Request for Reconsideration" filed July 10, 2008, requesting reconsideration of the previous decision of June 13, 2008, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed May 21, 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 M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,790	05/21/2008	Herman J. Kempen	2008_0897A	3316

513 7590 08/06/2008
WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
08/06/2008	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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AUG 0 6 2008

Customer No. 513
WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N.W.
WASHINGTON, DC 20006-1021

In re Application of: Kempen et al.
Serial No.: 12/124,790
Filed: May 21, 2008
Docket No.: 2008_0897A
Title: Salts of Picotamide

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an

interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Dave Nguyen, Quality Assurance Specialist, at (571) 272-0731.

Dave Nguyen, Quality Assurance Specialist
Technology Center 1600

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Paper No.

MAILED

JAN 12 2010

OFFICE OF PETITIONS

HUSCH BLACKWELL SANDERS LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

In re Application of	:	
Toth et al.	:	
Application No. 12/124,807	:	DECISION ON PETITION
Filed: May 21, 2008	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
60216.12	:	
Title: SCREENING TOOL FOR	:	
ANTIVIRAL AGENTS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed November 17, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 6, 2009, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 7, 2009. A notice of abandonment was mailed on October 14, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on November 17, 2009 can be processed in due course.

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $555 extension of time submitted with the petition on November 17, 2009 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future

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1 See Rule 1.137(d).
2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[3] In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Lara S. Dickey
4801 Main Street, Suite 1000
Kansas City, MO 64112

---

3 See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of

KASZA, Kenneth E. et al.
Application No. 12/124,824
Filed: March21, 2008
Attorney Docket No. **7814/217**

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 09, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (04-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **FISH & RICHARDSON P.C.**
225 FRANKLIN STREET
BOSTON MA 02110-2804

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of
KASZA, Kenneth E. et al.
Application No. 12/124,824
Filed: May 21, 2008
Attorney Docket No. **24887-0004002**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 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 BRINKS HOFER GILSON & LIONE has been revoked by the assignee of the patent application on February 09, 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: **FISH & RICHARDSON PC**
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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LAWRENCE R. OREMLAND, P.C.
5055 E. BROADWAY BLVD.
SUITE C-214
TUCSON AZ 85711

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NOV 09 2009

OFFICE OF PETITIONS

In re Application of	:	
EISENBERGER, Peter et al.	:	
Application No. 12/124,864	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. **6236.105CIP**	:	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 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Peter B. Goldman on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Peter Eisenberger at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PETER EISENBERGER**
170 BROOKS BEND
PRINCETON, NEW JERSEY 08540

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HAYNES BEFFEL & WOLFEID LLP
P.O. BOX 366
HALF MOON BAY, CA 94019

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JUN 0 5 2009

OFFICE OF PETITIONS

In re Application of
Matthew Williamson et al
Application No. 12/124,871
Filed: May 21, 2008
Attorney Docket No. SANA 1006-5

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 8, 2009.

The request is **APPROVED**.

The request was signed by Kenta Suzue on behalf of all attorneys of record who are associated with customer No. 22470.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Matthew Williamson
831 Clara Drive
Palo Alto, CA 94303

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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

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OFFICE OF PETITIONS

In re Application of	:	
Yu Brian Zheng	:	
Application No. 12/124,876	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. 44435-0010	:	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 27, 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 Steven A. Moore on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for

recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: YU "BRIAN" ZHENG
19901 TENNESSEE TRAIL
WALNUT, CA 91789

cc: PATENT CATEGORY CORPORATION
ATTN: THOMAS DOVER
368 S. CHERRY LANE
CITY OF INDUSTRY, CA 91789

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/124,876	05/21/2008	Yu "Brian" Zheng	44435-0010

CONFIRMATION NO. 3476

POWER OF ATTORNEY NOTICE

33123
HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

OC000000034006841

Date Mailed: 01/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/27/2008.

- 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

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4350 LA JOLLA DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

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FEB 23 2009

OFFICE OF PETITIONS

In re Application of Yu 'Brian' ZHENG Application No. 12/124,902 Filed: May 21, 2008 Attorney Docket No. 44435-0011	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 27, 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 Steven A. Moore 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 inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: YU "BRIAN" ZHENG
19901 TENNESSEE TRAIL
WALNUT, CA 91789

cc: PATENT CATEGORY CORPORATION
ATTN: THOMAS DOVER
368 S. CHERYL LANE
CITY OF INDUSTRY, CA 91789

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4350 LA JOLLA VILLAGE DRIVE #700
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In re Application of	:	
ZHEN, Yu Brian	:	
Application No. 12/124,914	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. **44435-0012**	:	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 27, 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 Steven Moore on behalf of all attorneys of record who are associated with customer No. 33123. All attorneys/agents associated with the Customer Number 33123 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **YU BRIAN ZHENG**
19901 TENNESSEE TRAIL
WALNUT CA 91789

cc: **PATENT CATEGORY CORPORATION**
ATTN: THOMAS DOVER
368 S. CHERYL LANE
CITY OF INDUSTRY CA 91789

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EMIL CHANG
LAW OFFICES OF EMIL CHANG
874 JASMINE DRIVE
SUNNYDALE CA 94086

COPY MAILED

JUN 1 8 2008

In re Application of Yang Application No.12/124,954 Filed: May 21, 2008 Title: High Power Ultra-Linear TDD Switch	DECISION REFUSING STATUS UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR § 1.47(a), filed May 21, 2008.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The petition under 37 CFR. § 1.47(b) is **DISMISSED**.

The merits of the petition have **not** been reviewed because the petition has not been properly executed. The petition has been executed by Jun Shen.

Pursuant to 37 CFR 1.33, amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) An assignee as provided for under § 3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Pursuant to 37 CFR 3.71 one or more assignees as defined in paragraph (b) of this

section may, after becoming of record pursuant to paragraph (c) of this section, conduct prosecution of a national patent application or a reexamination proceeding to the exclusion of either the inventive entity, or the assignee(s) previously entitled to conduct prosecution. An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 37 CFR 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Further correspondence with respect to this matter may be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

COPY MAILED
SEP 19 2008

In re Application of	:	
Zhangping Yang	:	DECISION REFUSING STATUS
Application No. 12/124,954	:	UNDER 37 CFR 1.47(b)
Filed: May 21, 2008	:	
Attorney Docket No. ApaceWave-13	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed July 25, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks item (1) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that inventor Yang was presented with a copy of the complete application papers for this application. If the inventor was not presented with a copy of the application papers for this application, then the inventor could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Did the inventor receive a copy of the application papers? Unless petitioner can show that a copy of the application papers was presented to the inventor, then petitioner will have to mail a copy of the complete application

application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

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DEC 17 2008

In re Application of	:	
Zhangping Yang	:	DECISION REFUSING STATUS
Application No. 12/124,954	:	UNDER 37 CFR 1.47(b)
Filed: May 21, 2008	:	
Attorney Docket No. ApaceWave-13	:	

This is in response to the renewed "Petition Under 37 CFR 1.47(b), filed November 19, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks item (1) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). A review of the documents presented on renewed petition shows that application papers were signed for by K. Hurt. As such petitioner is unable to establish that the papers were received and that inventor Yang has refused to execute the application papers. Furthermore, a cursory review of the Lexis®.com database revealed that the non-signing inventor may currently reside at 5213 Kenilworth Way, San Ramon, California 94582-5226.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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MAY 22 2009

OFFICE OF PETITIONS

Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

In re Application of	:	
Zhangping Yang	:	DECISION GRANTING STATUS
Application No. 12/124,954	:	UNDER 37 CFR 1.47(b)
Filed: May 21, 2008	:	
Attorney Docket No. ApaceWave-13	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed March 17, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor (Yang) has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Art Unit 2821 for processing in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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MAY 22 2009

OFFICE OF PETITIONS

Zhangping Yang
5213 Kenilworth Way
San Ramon, CA 94582

In re Application of
Zhangping Yang
Application No. 12/124,954
Filed: May 21, 2008
Attorney Docket No. ApaceWave-13
For: High Power Ultra-Linear TDD Switch

Dear Yang:

You are named as the sole inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Emil Chang
Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

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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.
12/124,964	05/21/2008	Hyuk Kim	SDIYPL.145C1	3655

20995 7590 06/19/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
06/19/2008	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):

jcartee@kmob.com
eOAPilot@kmob.com

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

In re Application of	:	
Hyuk KIM	:	DECISION ON REQUEST TO
Application No. 12/124,964	:	PARTICIPATE IN PATENT
Filed: 03/06/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 04995/411001	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

FOR: **PLASMA GENERATING APPARATUS**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 22, 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 is (a) a Paris Convention application, or (b) a national stage application under the PCT, or (c) a so-called bypass application filed under 35 USC 111(a) validly claiming benefit under 35 USC 120 to a PCT application, the PCT application validly claiming benefit under 35 USC 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/124,977	05/21/2008	Jeffrey Campbell	AST-003	3684

53014 7590 06/13/2008
Clause Eight Intellectual Property Services
P.O Box 131270
CARLSBAD, CA 92013

EXAMINER
DOLE, TIMOTHY J

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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062008

Clause Eight Intellectual Property Services
P.O Box 131270
CARLSBAD CA 92013

In re Application of: Jeffrey Campbell Serial No.: 12/124,977 Filed: May 21, 2008 Docket Number: AST-003 Title: SENSOR FOR MEASURING MOISTURE AND SALINITY	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 21, 2008, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to M.P.E.P. §812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, the application retains its special status after the filing of an RCE.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of

TRAYNOR, Daniel H. et al.
Application No. 12/125,035
Filed: May 21, 2008
Attorney Docket No. **31689-703.202**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 28 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 Daniel Traynor, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

COPY MAILED

AUG 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Hal V. BARRON et al.	:	
Application No. 12/125,037	:	DECISION ON PETITION
Filed: May 21, 2008	:	
Attorney Docket No. P2199R1C2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed December 19, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and Response to the Restriction Requirement, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099.

This application is being referred to Technology Center AU 1644 for appropriate action by the Examiner in the normal course of business on the reply received

David A. Bucci
Petitions Examiner
Office of Petitions

OIPE IAP91
OCT 2 8 2009
PATENT & TRADEMARK OFFICE

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12125054	Confirmation Number	3832	Filing Date	2008-05-21
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Robert T. Clifton				
Title of Invention	bookshelf system				

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
Robert	Theodore	Clifton	

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	Robert Theodore Clifton	Date (YYYY-MM-DD)	2008-05-21
Name	Robert Theodore Clifton		

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert Theodore Clifton
P.O. Box 1425
Denton TX 76202

MAILED

JAN 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert T. Clifton	:	
Application No. 12/125,054	:	ON PETITION
Filing: May 21, 2008	:	
Title: Bookshelf System	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 28, 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 applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3637 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

Applicant: Wang
Appl. No.: 12/125,094
Filing Date: May 22, 2008
Title: KINESIN INHIBITORS
Attorney Docket No.: 60001-015001
Pub. No.: 2008/0292626 A1
Pub. Date: November 27, 2008

MAILED

MAY 26 2009

OFFICE OF PETITIONS

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 19, 2008 for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains many material errors due to errors in chemical formulas, which were contain in the specification as originally filed.

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 errors pointed out and labeled 1, 2 and 6 will be corrected. The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The errors with respect to the other formulas in the publication, which are labeled 3 - 5, may be Office errors, but they are not material Office errors under 37 CFR 1.221. The errors in the specification are not material Office errors under 37 CFR 1.221 because the quality of the text is poor, as the text of the formulas is very small. The text is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

[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 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).

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.

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 any 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

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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MAR 05 2010

OFFICE OF PETITIONS

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Kim, et al.	:	
Application No. 12/125,098	:	ON PETITION
Filed: May 22, 2008	:	
Patent No. 7,520,138	:	
Issued: April 21, 2009		

This is in response to the "PETITION UNDER 37 C.F.R. 1.67 AND 1.182 TO PLACE SUPPLEMENTAL DECLARATION AND SWORN STATEMENT IN FILE", filed November 9, 2009.

The petition is **GRANTED**.

Petitioner's arguments and cited case law have been reviewed and found to be persuasive. The supplemental declaration and sworn statement will be placed into the file.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 05 2010

OFFICE OF PETITIONS

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Kim, et al.	:	
Application No. 12/125,112	:	ON PETITION
Filed: May 22, 2008	:	
Patent No. 7,520,139	:	
Issued: April 21, 2009		

This is in response to the "PETITION UNDER 37 C.F.R. 1.67 AND 1.182 TO PLACE SUPPLEMENTAL DECLARATION AND SWORN STATEMENT IN FILE", filed November 9, 2009.

The petition is **GRANTED**.

Petitioner's arguments and cited case law have been reviewed and found to be persuasive. The supplemental declaration and sworn statement will be placed into the file.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/29/09

TO SPE OF : ART UNIT 3618

SUBJECT : Request for Certificate of Correction for Appl. No.: 12125138 Patent No.: 7493979 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)
South Tower - 9A22
Palm Location 7580
[redacted]

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Formatted: Indent: Left: 1.22"

Comments: The changes are approved

/Christopher Ellis/ SPE 3618

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

MAILED

APR 15 2009

OFFICE OF PETITIONS

In re Application of :
Haim Amir :
Application Number: 12/125178 :
Filing Date: 05/22/2008 :
Attorney Docket Number: 3468/9 :

ON PETITION

This is a decision in on the petition to withdraw holding of abandonment filed on March 3, 2009.

The petition is **DISMISSED**.

This application became abandoned on August 4, 2008, for failure to timely submit a response to the Notice to File Corrected Application Papers mailed on June 3, 2008, which set a two (2) month shortened period for reply. No extensions of the time for reply, in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 10, 2009.

Petitioner's counsel states that the Applicants have never received the Notice.

A review of the record indicates no irregularity in the mailing of the Notice mailed on June 3, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

MPEP 711.03(c) states:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may

grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> (emphasis added)

Petitioner's registered patent practitioner, Mr. Mark M. Friedman, of 7 Jabotinsky St, Ramat Gan, Israel, states that the Notice was not received. Petitioner's registered patent practitioner has provided copies of docket reports as well as a statement that a search of file jacket of the application indicates that it does not contain the Notice mailed on June 3, 2008.

It is noted that the Notice mailed on June 3, 2008, was mailed to the current correspondence address of: Dr. Mark M. Friedman, c/o Bill Polkinghorn - Discovery Dispatch, 9003 Florin Way, Upper Marlboro MD 20772. As petitioner's registered patent practitioner is located in Israel, petitioner must explain how the Office actions are sent from the correspondence address in Upper Marlboro, MD to counsel's office in Israel. Further, petitioners must show that the correspondence was not received at the correspondence address.

As such, the docket report serve as evidence only that the Notice was not received at Attorney Friedman's Israel address, but do not show that the correspondence was not received at the Upper Marlboro, MD correspondence address. Petitioners have not overcome the presumption that the correspondence was properly received at the correspondence address of record and subsequently lost after receipt.

Petitioners must provide a showing, as detailed above, with respect to receipt of the correspondence at the address of record, including any file jacket or master docket used at the address of record.

The petition is **DISMISSED.**

Alternatively, petitioner may wish to consider filing a petition to revive under 37 C.F.R. 1.137(b).

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.**[1]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.181(f).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW May-09

DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

MAILED
MAY 27 2009
OFFICE OF PETITIONS

In re Application of :
Haim Amir :
Application Number: 12/125178 : ON PETITION
Filing Date: 05/22/2008 :
Attorney Docket Number: 3468/9 :

This is a decision on the REQUEST FOR RECONSIDERATION, filed on April 16, 2009, which is treated as a renewed petition to withdraw the holding of abandonment.

The petition is again **DISMISSED**.

This application became abandoned on August 4, 2008, for failure to timely submit a response to the Notice to File Corrected Application Papers mailed on June 3, 2008, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 10, 2009. The petition to withdraw the holding of abandonment filed on March 3, 2009 was dismissed on April 15, 2009.

Petitioner's counsel again states that the Applicants have never received the Notice. Specifically, counsel states, in pertinent part:

> Bill Polkinghorn - Discovery Dispatch functions as our local postal address for the USPTO with authorization to pick-up the mail, and deliver by Courier to our office is Israel. It is our understanding that this is a requirement by the USPTO as mail cannot be delivered from the Office to an address abroad. If this is the case, kindly advise and we will change our mailing instruction.
>
> As indicated in the Petition to Withdraw Holding of Abandonment we have taken steps to avoid such re-occurrences of mail not being received by electing to join the pilot scheme to receive outgoing mail electronically, as of September 2008.

At the outset, petitioners are incorrect inasmuch as there is no requirement that the correspondence address be an address located in the United States.

Further, petitioners have failed to show that the Notice mailed on June 3, 2008 was not received. In this regard, petitioners have still not overcome the presumption that the correspondence was properly received at the correspondence address of record and subsequently lost after receipt.

Alternate Venue

Applicants are strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.**[1]

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

[1] 37 CFR 1.181(f).

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

COPY MAILED

AUG 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Haim Amir	:	
Application Number: 12/125178	:	ON PETITION
Filing Date: 05/22/2008	:	
Attorney Docket Number: 3468/9	:	

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on July 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on August 4, 2008, for failure to timely submit a response to the Notice to File Corrected Application Papers mailed on June 3, 2008, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 10, 2009. The petition to withdraw the holding of abandonment filed on March 3, 2009 was dismissed on April 15, 2009. The renewed petition to withdraw

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

the holding of abandonment filed on April 16, 2009 was dismissed on May 27, 2009.

Petitioner has submitted replacement drawing sheets accompanied by the subject petition.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

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JAN 2 2 2009

OFFICE OF PETITIONS

In re Application of
John Kump
Application No. 12/125,190
Filed: May 22, 2008
Attorney Docket No. CRY-0051

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to JoAnne Burke at (571) 272-4594.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAR 05 2010

OFFICE OF PETITIONS

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Kim, et al.	:	
Application No. 12/125,275	:	ON PETITION
Filed: May 22, 2008	:	
Patent No. 7,552,597	:	
Issued: June 30, 2009		

This is in response to the "PETITION UNDER 37 C.F.R. 1.67 AND 1.182 TO PLACE SUPPLEMENTAL DECLARATION AND SWORN STATEMENT IN FILE", filed November 9, 2009.

The petition is **GRANTED**.

Petitioner's arguments and cited case law have been reviewed and found to be persuasive. The supplemental declaration and sworn statement will be placed into the file.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTOR'S OFFICE

JUN 18 2008

TECHNOLOGY CENTER 3600

Dillon & Yudell LLP
8911 N. Capital of Texas Hwy.
Suite 2110
Austin, TX 78759

In re application of	:	**DECISION ON PETITION**
Shuhei Nadehara	:	**TO MAKE SPECIAL FOR**
Application No. 12/125,294	:	**NEW APPLICATION**
Filed: May 22, 2008	:	**UNDER 37 CFR 1.102**
For: OPERATING A TAPE DRIVE DURING AND AFTER A TRANSITION TO A STAND-BY MODE		

This is a decision on the petition filed on May 22, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5, II.5.2, II.6.2 and II.6.3, above.

As to condition II.5, the Search Document lacks a signature by the attorney of record. Since a statement of good faith is a requirement of the Search Document, a signature by an attorney of record is needed separate from the signature on the petition.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, with respect to the classification search, in addition to the areas already searched, the search needs to include a search of 242/413, 413.1, 420, 420.5; 360/96.1 and 96.3.

With respect to the required text search of the US Patents database, the search logic used by the applicant does not appear to encompass broad enough search terms to cover the claimed limitations and thus may not have located all of the most pertinent art. Search logic encompassing the "broadest reasonable interpretation" of the claimed invention is required. Specifically, limiting the search to subclasses rather than entire classes in general is too specific. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Additionally, an example of additional search terms are provided below:

242/$.ccls. and (hall adj effect adj sensor)
242/$.ccls. and ((hall adj effect adj sensor) same logic)
242/$.ccls. and ((hall with sensor) same logic)
242/$.ccls. and ((hall with sensor) same rotation)

In addition, the above text search should be repeated for class 360 as well.
The sample of search terms are not meant to be the sole search terms that can or should be employed in this application, but is meant solely as an example for applicant's assistance. The same additions shown above for the text search can also be used in the search of foreign databases and NPL search. Also, Derwent and the IBM Technical Database should be searched as well.

Furthermore, as outlined below, applicant has not indicated any limitations taught by the prior art except for claim 1. However, some of the above claims, for example, but certainly not limited to, claim 3, appear to contain limitations that are quite common, and it would strain credulity to assert that nowhere in the prior art are located these additional commonly known claim limitations. Applicant should keep in mind that all claimed limitations must be searched for, and the lack of supplying references that teach well-known limitations may be an indication of an incomplete search.

As to condition II.6.2, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims (not just the independent claims) that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. It appears that the identification of limitations disclosed is limited only to claim 1. All pending claims must be so analyzed.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims (not just the independent claims) are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. In addition, any indication of patentability over the prior art references needs to take in to account any distinctions seen as being obvious over any single or a combination of cited references. Since applicant has again only provided an analysis of claim 1, the Explanation of Patentability is insufficient.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

Therefore, 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 Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 6/18/08

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/125,294	05/22/2008	Shuhei Nadehara	JP920080059US1	4274

78571 7590 07/23/2008
Dillon & Yudell LLP
8911 N. Capital of Texas Hwy
Suite 2110
Austin, TX 78759

EXAMINER

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
07/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FROM DIRECTORS OFFICE

JUL 22 2008

TECHNOLOGY CENTER 3600

Dillon & Yudell LLP
8911 N. Capital of Texas Hwy.
Suite 2110
Austin, TX 78759

In re application of
Shuhei Nadehara
Application No. 12/125,294
Filed: May 22, 2008
For: OPERATING A TAPE DRIVE DURING AND AFTER A TRANSITION TO A STAND-BY MODE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

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).

It is noted that the Search Document still lacks a signature by the attorney of record as required by the decision dismissing the original petition. Since a statement of good faith is a requirement of the Search Document, a signature by an attorney of record is normally needed separate from the signature on the petition. However, since the Search document is an Appendix of the renewed petition, and not a separate document, the statement of good faith is deemed to be covered by the signer of the petition.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialaist
Technology Center 3600

Sm/sm: 7/22/08

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HARMAN-BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Tobias Wolff	:	
Application No. 12/125,298	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. 11336/1866	:	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 15, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John F. Nethery on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the 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 Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Harman/Beckor Automotive Systems GMBH**
Becker-Goring-Strasse 16
Karlsbad, 76307
Germany

cc: **Robert P. Hart, Esq.**
Harman International Industries, Inc.
8500 Balboa Boulevard
Northridge, CA 91329

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/125,298	05/22/2008	Tobias Wolff	11336/1866

CONFIRMATION NO. 4285

POWER OF ATTORNEY NOTICE

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

OC000000037275912

Date Mailed: 08/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LEVENFIELD PEARLSTEIN, LLC
(ILLINOIS TOOL WORKS)
2 NORTH LASALLE STREET
SUITE 1300
CHICAGO IL 60602

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of
John M. KRUELLE, et al
Application No. 12/125,303
Filed: May 22, 2008
Attorney Docket No. 21280-1 (35371-71056CIP)

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 22, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is April 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620 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 1783 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

In re Application of	:	
Yong Kap Kim	:	DECISION ON PETITION
Application No. 12/125,336	:	TO WITHDRAW
Filed: May 22, 2008	:	FROM RECORD
Attorney Docket: 086121-0026	:	

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 4, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Ladas & Perry was revoked as power of attorney by the assignee of the patent application on March 26, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/125,361	Confirmation Number	4384	Filing Date	2008-05-23
Attorney Docket Number (optional)	P737	Art Unit	NA	Examiner	Unknown
First Named Inventor	Bennett Hepburn				
Title of Invention	Video Gaming Controller Bay for Mobile Devices				

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
Donald	R.	Boys	

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	/Donald R. Boys/	Date (YYYY-MM-DD)	2008-05-23
Name	Donald R. Boys		

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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
Bennett Hepburn

Application No. 12125361

Filed:

Attorney Docket No. P737

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 23-MAY-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/04/2010

Applicant	: Douglas W. Coatney	: DECISION ON REQUEST FOR
Patent Number	: 7661020	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/125,420	: 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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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

MAILED

APR 20 2009

OFFICE OF PETITIONS

In re Application of	:	
SERCEL and SERCEL	:	DECISION ACCORDING STATUS
Application No. 12/125,439	:	UNDER 37 CFR 1.47(a)
Filed: 05/22/2008	:	
Attorney Docket No. JPSA005	:	
Title: SYSTEM AND METHOD FOR LASER	:	
MACHINING OF THREE-DIMENSIONAL	:	
STRUCTURES		

This is in response to the petition under 37 CFR 1.47(a), filed November 3, 2008. Petitioners obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused or cannot be located to join in the filing of the above-identified application. Specifically, Kevin J. Carroll, petitioner's attorney, explains:

> The last known address of the nonsigning inventor, Patrick J. Sercel is 400 Washington Street, Unit 101, Somerville, MA 0214. An Internet search was performed and no other address could be located in the state of Massachusetts for Patrick J. Sercel. The results of that Internet search are also attached.
>
> The Assignee attempted to present Patrick J. Sercel with the application papers for his signature. On July 21, 2008, a U.S. Postal certified mail package (Tracking No. 7006 0810 0001 7225 5996) was mailed to Patrick J. Sercel at the last known address and contained a letter and the Declaration and Power of Attorney. According to U.S. Postal Service records, the package was not signed for and was returned. A signed Declaration and Power of Attorney was not returned as requested. Copies of the July 21, 2008 letter to Patrick J. Sercel and the unsigned, returned certified mail receipt are attached.
>
> Also, the above mentioned letter of July 21, 2008 with enclosures was emailed to Patrick J. Sercel at his last known email address. A response to the email was not received. A copy of the email is also enclosed.

> The undersigned attorney of record also attempted to present Patrick J. Sercel with the application papers for his signature. On September 30, 2008 a U.S. Postal certified mail package (Tracking No. 7007 2680 0001 2150 4575) containing a letter, a copy of the patent application, the Declaration/Power of Attorney, and Assignment documents was mailed to Patrick J. Sercel at his last known address. According to U.S. Postal Service records, the package was not signed for and was returned. A signed Declaration and Power of Attorney was not returned as requested.

Petition dated 11/03/08, pp. 1-2.

The above-identified application and papers have been reviewed and are in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center AU 3742 for examination in due course.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patrick J. Sercel
400 Washington Street, Unit 101
Somerville, MA 02143

MAILED

APR 20 2009

OFFICE OF PETITIONS

In re Application of SERCEL and SERCEL Application No. 12/125,439 Filed: 05/22/2008 Attorney Docket No. JPSA005 Title: SYSTEM AND METHOD FOR LASER MACHINING OF THREE-DIMENSIONAL STRUCTURES	: : : : : : : :	LETTER

Dear Mr. Sercel:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

COPY MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Andoh, et al.	:	DECISION REFUSING STATUS
Application No. 12/125,519	:	UNDER 37 CFR 1.47(a)
Filed: May 22, 2008	:	
Attorney Docket No. 326298US-28	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed March 10, 2009.

The petition is dismissed.

Rule 47 applicants are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Yuji Uozaki, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor. The petition alleges that two unsuccessful facsimile transmissions were sent to the non-signing inventor and two mailings were sent to two different addresses for him. Both mailings were returned to sender. The second mailing was returned because the "new address is unknown".

Petitioners have not demonstrated that all efforts were expended in trying to locate non-signing inventor Uozaki. In this regard, petitioners should, at the very least, conduct a search of the

regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Other attempts to reach Inventor Uozaki should be attempted. If other attempts to locate the inventor, e.g. through co-workers , computer database searches, e-mail, or the telephone continue to fail, then petitioners will establish that the inventor cannot be reached after diligent effort. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** Print outs of unsuccessful Internet searches should be submitted. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUN 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Andoh, et al.	:	DECISION REFUSING STATUS
Application No. 12/125,519	:	UNDER 37 CFR 1.47(a)
Filed: May 22, 2008	:	
Attorney Docket No. 326298US-28	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed June 8, 2009.

The petition is dismissed.

Rule 47 applicants are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with an acceptable documented showing, that a diligent effort was made to find or locate non-signing inventor Yuji Uozaki, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor.

Petitioners have not demonstrated that all efforts were expended in trying to locate non-signing inventor Uozaki. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** The June 8, 2009 statement of facts by Yoshihiko Sano discusses events of which he has no first hand knowledge. Yasushi

Kamikubo purportedly spoke with Noritaka Masuda regarding Mr. Uozaki's whereabouts. Shinji Azuma purportedly confirmed Mr. Uozaki's phone number and purportedly received a message indicating that he does not live at that address. Have petitioners attempted Internet searches to locate Mr. Uozaki? Print outs of unsuccessful Internet searches should be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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1940 DUKE STREET
ALEXANDRIA VA 22314

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SEP 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Andoh, et al.	:	DECISION ACCORDNG STATUS
Application No. 12/125,519	:	UNDER 37 CFR 1.47(a)
Filed: May 22, 2008	:	
Attorney Docket No. 326298US-28	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed August 24, 2009.

The petition is granted.

Petitioners have shown that the non-signing inventor, Yuji Uozaki, cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1:47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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YUJI UOZAKI
3-4-24-1004, MINAMI-CHO,
MITO-CITY,
IBARAKI 310-0021
JAPAN

MAILED

SEP 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Andoh, et al.	:	LETTER
Application No. 12/125,519	:	
Filed: May 22, 2008	:	
Attorney Docket No. 326298US-28	:	

Dear Mr. Uozaki:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorney of Records: OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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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.
12/125,523	05/22/2008	Masahiro Shimanuki	J-08-0175	4674

7590 02/23/2009
NEC CORPORATION OF AMERICA
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
02/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Refund Ref:
02/20/2009 BPOWELL 0000166223

CHECK Refund Total: $610.00

Adjustment date: 02/20/2009 BPOWELL
05/23/2008 INTEFSW 00001193 12125523
02 FC:1111 -510.00 OP
04 FC:1202 -100.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
02/23/2009 BPOWELL 0000166224

CHECK Refund Total: $630.00

Adjustment date: 02/23/2009 BPOWELL
07/23/2008 AGOITOM 00000008 12125523
01 FC:1201 -630.00 OP

Refund Ref:
02/23/2009 0030066935

Credit Card Refund Total: $1500.00

Am Exp..: XXXXXXXXXXX1001

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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.
12/125,559	05/22/2008	Satish Chandra	YOR920060070US2 (195877)	4743

EXAMINER
VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
06/04/2009	PAPER

7590 06/04/2009
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell
Patent Publication Branch
Office of Data Management

Adjustment Date: 06/05/2009 BPOWELL
05/23/2008 INTEFSW 00001586 500510 12125559
02 FC:1111 510.00 CR

Adjustment date: 06/05/2009 BPOWELL
05/23/2008 INTEFSW 00001586 500510 12125559
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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JUN 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Donald O. Hitzman, et al.	:	
Application No. 12/125,582	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 018819-0123	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 22, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from one of the applicant's declaring that he is 65 years of age older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Yamada :
Application No. 12/125,625 :
Filed: May 22, 2008 :
Attorney Docket No.: Q108293 :

ON PETITION

This is a decision on the "PETITION UNDER 37 CFR 1.57(a)," filed July 15, 2008, requesting amendment of the application to enter Figures 13 and 14 into the record and to maintain an application a filing date of May 22, 2008.

The petition is **DISMISSED**.

The application was filed on May 22, 2008. On June 13, 2008, the Office of Data Management mailed a Notice of Omitted Items in a Nonprovisional Application ("Notice"), indicating that the application had been accorded a filing date, but that Figures 13 and 14, described in the specification, appeared to have been omitted from the application. The Notice set a two-month extendible period for reply.

In response to the Notice, applicants submitted the present petition along with an amendment to the specification. The petition seeks to maintain the May 15, 2007 filing date and rely upon the provisions of 37 CFR 1.57(a) to submit the omitted drawing figures.

Applicants are advised that a petition is not necessary in this instance to add the omitted figures.

The MPEP 601.01(g) states that:

> "If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawings was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawings pursuant to 37 CFR 1.57(a). Such amendment should be by way of a preliminary amendment and the preliminary amendment must be submitted within 2 months from the date of the "Notice of Omitted

Item(s)." The amendment should be identified as an amendment pursuant to 37 CFR 1.57(a) and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. The application will maintain the filing date as of the date of deposit of the original application papers in the USPTO. The original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the original date of deposit. The 2-month period is not extendable under 37 CFR 1.136. 37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s)."

Accordingly, where an application has been accorded a filing date, a petition under 37 CFR 1.57 is not necessary to add the omitted portion of the specification or drawing(s).

The instant application was accorded a filing date. Thus, no petition is required. The amendment to include the inadvertently omitted drawing filed July 15, 2008, will be considered by the Examiner in due course.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

The application will be returned to the Office of Patent Application Processing, with a filing date of May 15, 2008, using the application papers filed on that date.

Telephone inquiries concerning this matter should be directed Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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JUN 0 5 2009

OFFICE OF PETITIONS

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Yamada	:	CORRECTED DECISION
Application No. 12/125,625	:	ON PETITION
Filed: May 22, 2008	:	
Attorney Docket No.: Q108293	:	

This is a decision on the "PETITION UNDER 37 CFR 1.57(a)," filed July 15, 2008, requesting amendment of the application to enter Figures 13 and 14 into the record and to maintain an application a filing date of May 22, 2008.

The petition is **DISMISSED**.

The application was filed on May 22, 2008. On June 13, 2008, the Office of Data Management mailed a Notice of Omitted Items in a Nonprovisional Application ("Notice"), indicating that the application had been accorded a filing date, but that Figures 13 and 14, described in the specification, appeared to have been omitted from the application. The Notice set a two-month extendible period for reply.

In response to the Notice, applicants submitted the present petition along with an amendment to the specification. The petition seeks to maintain the May 22, 2008 filing date and rely upon the provisions of 37 CFR 1.57(a) to submit the omitted drawing figures.

Applicants are advised that a petition is not necessary in this instance to add the omitted figures.

The MPEP 601.01(g) states that:

> "If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawings was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawings pursuant to 37 CFR 1.57(a). Such amendment should be by way of a preliminary amendment and the preliminary amendment must be submitted within 2 months from the date of the "Notice of Omitted

Item(s)." The amendment should be identified as an amendment pursuant to 37 CFR 1.57(a) and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. The application will maintain the filing date as of the date of deposit of the original application papers in the USPTO. The original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the original date of deposit. The 2-month period is not extendable under 37 CFR 1.136. 37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s)."

Accordingly, where an application has been accorded a filing date, a petition under 37 CFR 1.57 is not necessary to add the omitted portion of the specification or drawing(s).

The instant application was accorded a filing date. Thus, no petition is required. The amendment to include the inadvertently omitted drawing filed July 15, 2008, will be considered by the Examiner in due course.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

The application will be returned to the Office of Patent Application Processing, with a filing date of May 22, 2008, using the application papers filed on that date.

Telephone inquiries concerning this matter should be directed Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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www.uspto.gov

Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

SEP 16 2008

In re Application of: CHOUDHARY, SAMAR Application No.: 12/125,662 Filed: May 22, 2008 Title: AUTOMATED PROPAGATION OF USER INTERACTION EFFECTS TO EQUIVALENT UI ARTIFACTS	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 22, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 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.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-7; the "accelerated examination support document" (AESD) comprising pages 1-5, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching as follows:

1) In EAST, search in the EPO, JPO, DERWENT, US-PGPUB, and USPAT databases of the appropriate class/subclass combinations, and their IPC equivalents, as per the PESD.

2) In addition, Petitioner must perform the following text search in said databases:
L1: ("graphical user interface" or gui) with (customiz$5 or design$3 or build$3 or creat$3)
L2: L1 and ((edit$3 or modify$3 or adjust$4 or copy$3 or copied or revis$3 or match$3) with ("look and feel" or color or size or layout or attribute))

3) For each database that is searched, Petitioner's search report must indicate the number of hits for each search statement in the search strategy. Currently, the search report gives no indication as to the number of hits for the search statements.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and*

should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") the presently filed claim (i.e., the claim of the instant application) and by indicating where each discrete limitation (without bundling limitations together to the extent possible) of said presently filed claim is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., recitations that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the place to make patentability arguments by bundling together multiple limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. The requirement of section II element 6.3 can be satisfied by indicating for the presently filed claim (i.e., the claim of the instant application) which specific i.e., discrete limitation(s) in said presently filed claim define(s) over each one of the most closely related references that has been cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" must be avoided.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. The requirement of section II element 6.5 can be satisfied by listing verbatim the presently filed claim (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations together to the extent possible) in said presently filed claim, by indicating the element number and/or the relevant page and line numbers. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard (requirement presently satisfied).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to J. Harrison, Special Program Examiner, at 571 272-4449.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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Shimokaji & Associates, P.C.
8911 Research Drive
Irvine CA 92618

NOV 10 2008

In re Application of: CHOUDHARY, SAMAR et al. Serial No.: 12/125662 Filed: May 22, 2008 Title: AUTOMATED PROPAGATION OF USER INTERACTION EFFECTS TO EQUIVALENT UI ARTIFACTS	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on October 9, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on May 22, 2008 and dismissed in the Office letter of September 16, 2008.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of September 16, 2008 conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1, 6.4 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2, 6.2, 6.3 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2. However, the petition still fails to meet the requirement of section II: 6.2, 6.3, and 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

With regard to the mapping requirements for section II: 6.2, Petitioner bundled limitations and failed to indicate with the required specificity what the prior art teaches, and what it doesn't. For

example, on p. 4 of the Accelerated Examination Document (AESD), with respect to Benedek, Petitioner states:

> modifying the second set of user interface artifacts user interaction effects based on the user interaction change message to match the result of the activated user interaction effects activated in the first set of user interface artifacts user interaction effects (not disclosed).

Yet, it appears that a more accurate mapping would be at least:

modifying (not disclosed) the second set of user interface artifacts user interaction effects (not disclosed) based on "the user interaction change message" (para [0032]) to match (not disclosed) the result of the "activated user interaction effects activated in the first set of user interface artifacts user interaction effects" (para [0028]).

The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") the presently filed claim (i.e., the claim of the instant application) and by indicating where <u>each discrete limitation</u> (without bundling limitations to the extent possible) of said presently filed claim is taught (or is not taught) in <u>each one</u> of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Limitations for which antecedent basis has been established and mapped unto the prior art reference need not be mapped repeatedly (the first time suffice). However, limitations not disclosed must be specifically singled out (without bundling, to the extent possible, with disclosed limitations). Note that disclosure may be express, implicit, or inherent. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., statements that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. The requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3

It has been noted that to date Applicant filed two IDSes with a total of 7 references, but chose to discuss only three references, two from the first IDS and one from the second. According to the policy guidelines, <u>all cited references</u> should be addressed under this element. If the petitioner is of the opinion that said three references are the only references that are the most closely related to the patentability of his claimed invention, he should refile his Information Disclosure Statements (IDS), by splitting them up between an IDS whose references are the most closely related to the patentability of the claimed invention and addressed under the requirements of section II element 6.2, and an IDS whose references are filed as background information only. In this respect, Applicant's attention is drawn to the following answer to "Frequently Asked Questions" posted on the USPTO "Accelerated Examination Website":

"If applicant wishes to cite references that are not required in an AESD for the examiner to

consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD."

With regard to the mapping requirements for section II: 6.3, Petitioner states on p. 5, that all three most closely related references fail to teach the following limitations:

> "selecting a second web based user interface page including a second set of user interface artifacts equivalent to the first set and including respective user interaction effects; and
>
> modifying one or more of the second set of user interface artifacts user interaction effects and producing a user interaction change message including said modifications"

With respect to the first recitation, the limitation "selecting (a <u>second</u> web etc.)" does not appear to be claimed in claim 1. With respect to the second recitation, the limitations "one or more (of the <u>second</u> set etc)" and the limitations "and producing a user interaction change message including said modifications" do not appear to be claimed in claim 1, which is reproduced in what follows:

> Claim 1. A method for automatically propagating user interface effects in a framework, comprising:
>
> building a collection of multiple heterogeneous web based user interface pages;
>
> selecting a first web based user interface page including a first set of user interface artifacts comprising user interaction effects selected from a group including html fragments, user interface color, table size, layout change, and user interface size;
>
> activating one or more of the first set of user interface artifacts user interaction effects and producing a user interaction change message including a result of the activated user interaction effects;
>
> sending the user interaction change message to a server side broker on the framework;
>
> queuing the user interaction change message on the server side broker;

switching to a second web based user interface page including a second set of user interface artifacts equivalent to the first set and including respective user interaction effects;

requesting the user interaction change message from the queue;

relaying the user interaction change message from the server side broker to the second web based user interface page; and

modifying the second set of user interface artifacts user interaction effects based on the user interaction change message to match the result of the activated user interaction effects activated in the first set of user interface artifacts user interaction effects.

The requirement of section II element 6.3 can be satisfied by indicating for the presently filed claim (i.e., the claim of the instant application) which specific i.e., discrete limitation(s) in said presently filed claim define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" must be avoided. Obviousness, or lack thereof, analysis for combining two or more references should be performed when a "most closely related prior art" reference clearly indicates reasons for such combination.

With regard to the mapping requirements for section II: 6.5, Petitioner failed to show with the required specificity the support in the disclosure under 35 USC 112, first paragraph. For example, on p.6 of the AESD, Petitioner states:

"selecting a first web based user interface page including a first set of user interface artifacts comprising user interaction effects selected from a group including html fragments, user interface color, table size, layout change, and user interface size" supported for example at paras. [0012] and [0013] ;

However, paragraphs [0012] and [0013] extend for over a page, which is not specific. The requirement of section II element 6.5 can be satisfied by listing verbatim the presently filed claim (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in said presently filed claim, by indicating the element number and/or the relevant page and line numbers. To the extent possible, Petitioner should indicate the enablement location in the specification as required by statute, i.e., "the manner and process of making and using it," rather than pointing to the first occurrence of establishing antecedent for the limitation in the specification. For this reason Petitioner should indicate, to the extent possible, the combination of the element, figure, page, (or paragraph), and line numbers in the specification where the mapped limitation is actually taught and enabled. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to the effect that they are "substantially identical" in lieu of the required additional mapping is acceptable. Petitioner's attention is also drawn to the requirements relevant under 35 U.S.C 112,

6th paragraph, listed above. Should this requirement not apply to the present application, Petitioner should make a statement in this regard (requirement presently satisfied).

DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: elements 6.2, 6.3, and 6.5), the petition 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 accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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January 25, 2010

Jane O. Hamby
E. I. Du Pont de Nemours and Company
4417 Lancaster Pike
Wilmington, DE 19805

Patent No.: 7,641,810 B2
Application No.: 12/125,671
Inventor(s): Neil Andre Roberts, et al.
Issued: January 5, 2010
Title: **REFRIGERANT COMPOSITIONS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
571- 272-0460 (voice)
571-270-9892 (fax)

vt

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DERGOSITS & NOAH LLP
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FOUR EMBARCADERO CENTER
SAN FRANCISCO CA 94111

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Gregory John LUZAICH, et al	:	
Application No. 12/125,680	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. 693.20		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 08685, as indicated. In this regard, since the attorneys of record were appointed by naming each attorney individually, any future request should indicate the same designation for withdrawing the attorneys.

All future communications from the Office will continue to be directed to the address indicated above 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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SLATER & MATSIL, L.L.P.
17950 Preston Road
Suite 1000
Dallas, TX 75252

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Roland Thewes, et al.	:	
Application No. 12/125,684	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. QIM 2006 P 52422 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 June 17, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Slater & Matsil, L.L.P. has been revoked by the assignee of the patent application on July 13, 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: **John S. Economou**
202 Mamaroneck Avenue
Third Floor
White Plaines, NY 10601

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JUN 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Gregory John LUZAICH, et al	:	
Application No. 12/125,688	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. 693.21		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 08685, as indicated. In this regard, since the attorneys of record were appointed by naming each attorney individually, any future request should indicate the same designation for withdrawing the attorneys.

All future communications from the Office will continue to be directed to the address indicated above 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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JUN 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Gregory John LUZAICH, et al	:	
Application No. 12/125,697	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. 693.22		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 08685, as indicated. In this regard, since the attorneys of record were appointed by naming each attorney individually, any future request should indicate the same designation for withdrawing the attorneys.

All future communications from the Office will continue to be directed to the address indicated above 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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SEP 04 2008

OFFICE OF PETITIONS

In re Application of
Kenji Fukuda et al.
Application No. 12/125,705
Filed: May 22, 2008
Attorney Docket No. 107439-00201

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.57(a), filed July 30, 2008 which is being treated under 37 CFR 1.53(e)(2).

The application was filed on May 22, 2008. However, on June 10, 2008 the Office of Data Management mailed a Notice of Incomplete Application stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date.

In response, the present petition was filed. Petitioner contends that the instant application, upon filing, properly claimed priority to Japanese Patent Application No. 2007-139192, filed May 25, 2007. which was incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). MPEP 201.17

Therefore, if an application, as originally filed on or after September 21, 2004, <u>does not</u> include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior filed application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. <u>See</u> 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

A review of the record indicates that the above-identified application as originally filed on May 22, 2008 did in fact include an explicit incorporation by reference statement in the specification.

The inclusion of an incorporation by reference of the prior filed application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition. See MPEP 201.06(c). A review of the application-as-filed reveals that the specification, filed concurrently with the instant application, contained such a statement.

Obviously, in view of the incorporation by reference, the drawing figures described in the specification are not new matter if it was a part of the disclosure of the prior filed international application.

Accordingly, the petition is **DISMISSED**.

No petition fees are due and none have been charged.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of May 22, 2008, using the application papers received in the Office on that date and with an indication in Office records that Figures 1A-15B as described in the specification while not included with the application papers upon filing, were a part of the original disclosure.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/30/10

TO SPE OF : ART UNIT 1645

SUBJECT : Request for Certificate of Correction for Appl. No 12/125,723 7632655

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- X **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Please see attached Docment that shows those requested corrections that are Approved, and those Denied

ROBERT MONDESI
SUPERVISORY PATENT EXAMINER

1645

SPE **Art Unit**

The request for a Certificate of Correction has been Approved-in-Part, and therefore Denied.

- The requested change "In column 1, line 5, delete "divisional" and insert ---continuation---, therefor" has not been approved as the relationship between the instant Application and the parent Application is that of Divisional.
- The formula characters requested to be changed at column 9, lines 8-10 are not entirely clear, and therefore not approved.
- The request to change the narrative at "In column 34, line 55, delete "N-methylated" and insert ----N^{α}-methylated----, therefor" is not approved as original descriptive support for this change could not be found, and would constitute New Matter if entered.
- The changes requested for the spelling of the term "fluorescein" in claims 6 and 14 are not clearly pointed out which terms are to be changed, and therefore not internally consistent with each claim. For this reason the requested changes are not being approved.

All other requested changes are Approved.

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In re Application of
James W. Wilson

Application No. 12125738

Filed: May 22,2008

Attorney Docket No. 15555.26.1

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 11-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.

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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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

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JUL 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Kamilo Feher	:	
Application No. 12/125,741	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 112174-41CON9	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 22, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes attorney states he has evidence of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2611 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEW YORK NY 10151

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NOV 19 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Wenham, et al.
Application No.: 12/125,817
Filed: May 22, 2008
Attorney Docket No.: 293005-2001
For: LOW AREA SCREEN PRINTED METAL CONTACT STRUCTURE AND METHOD

This is a decision on the petition under 37 CFR 1.47(a), filed September 24, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2).

With respect to (2) above, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not contain mailing address fields. In addition, all residence fields are incorrect. An applicant's place of residence, that is, the city and either state or foreign country, is required to be included in the oath or declaration in a nonprovisional application for compliance with 37 CFR 1.63 unless it is included in an application data sheet (37 CFR 1.76).

It is noted that Mr. Wenham's last known home address is 109 Kyle Pd., Kyle Bay, New South Wales 2221.

MPEP 605.03 states that, "Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address.... In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given...."

Therefore, the information in the declaration is not acceptable. Mr. Wenham's residence is Kyle Bay, New South Wales, rather than USWS Sydney, New South Wales.

The available inventors must execute a new declaration that lists the most recent home address and residence for Mr. Wenham (MPEP 605.03) and that includes mailing address and residence fields for the signing inventors.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Mr. Wenham is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

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AUG 1 8 2008

In re Application of	:	
Miller, et al.	:	
Application No. 12/125,818	:	ON PETITION
Deposited: May 22, 2008	:	
Attorney Docket No. 7145-01-HL	:	

This is in response to the "PETITION UNDER 37 C.F.R. 1.52(a)" filed June 30, 2008, requesting that the above-referenced application be accorded a filing date of May 22, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on May 22, 2008. However, on June 5, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioners' arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicants

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner. It is noted that petitioners have not filed a formal amendment to add Figures 1-3.

To the extent the instant petition requests a filing date of May 22, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to May 22, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEW YORK NY 10151

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OFFICE OF PETITIONS

In re Application of
Wenham, et al.
Application No.: 12/125,827
Filed: May 22, 2008
Attorney Docket No.: 293005-2002
For: HIGH EFFICIENCY SOLAR CELL FABRICATION

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed September 24, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2).

With respect to (2) above, an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not contain mailing address fields. In addition, all residence fields are incorrect. An applicant's place of residence, that is, the city and either state or foreign country, is required to be included in the oath or declaration in a nonprovisional application for compliance with 37 CFR 1.63 unless it is included in an application data sheet (37 CFR 1.76).

It is noted that Mr. Wenham's last known home address is 109 Kyle Pd., Kyle Bay, New South Wales 2221.

MPEP 605.03 states that, "Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address.... In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given...."

Therefore, the information in the declaration is not acceptable. Mr. Wenham's residence is Kyle Bay, New South Wales, rather than USWS Sydney, New South Wales.

The available inventors must execute a new declaration that lists the most recent home address and residence for Mr. Wenham (MPEP 605.03) and that includes mailing address and residence fields for the signing inventors.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Mr. Wenham is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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NEW YORK NY 10151

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FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Wenham, et al.
Application No.: 12/125,827
Filed: May 22, 2008
Attorney Docket No.: 293005-2002
For: HIGH EFFICIENCY SOLAR CELL FABRICATION

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed January 21, 2009.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Stuart Ross Wenham, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center AU 2811 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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STUART ROSS WENHAM
109 KYLE PD.
KYLE BAY, NEW SOUTH WALES 2221
AUSTRALIA

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Wenham, et al.	:	LETTER
Application No.: 12/125,827	:	
Filed: May 22, 2008	:	
Attorney Docket No.: 293005-2002	:	
For: HIGH EFFICIENCY SOLAR CELL	:	
FABRICATION	:	

Dear Mr. Wenham:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

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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JUL 24 2008

OFFICE OF PETITIONS

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

In re Application of Michael Healy, Yuen-Wen Lee, and David Sun Application No. 12/125,876 Filed: May 22, 2008 Attorney Docket Number: 2705-1020 Title: TIMED PACKET PROCESSING TO REGULATE DATA TRANSFER BETWEEN COMPONENTS OF A GATEWAY FOR A CONSTANT DELAY NETWORK	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed June 9, 2008.

This petition pursuant to Rule 1.47(a) is **DISMISSED**.

This application was filed on May 22, 2008, listing Michael Healy, Yuen-Wen Lee, and David Sun as joint inventors. The application was deposited without a fully executed declaration. On June 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the

petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);

(3) a statement of the last known address of the non-signing inventors;

(4) either

a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or

b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has submitted a declaration that has been executed by each of the joint inventors save Mr. Sun, the petition fee, the last-known address of the non-signing joint inventor, a copy of a letter, and a statement of facts.

The surcharge that is associated with the filing of this petition will be charged to Petitioner's Deposit Account in due course.

Petitioner has met requirements (1) - (3) and (5) of Rule 1.47(a).

Regarding the fourth requirement of Rule § 1.47(a), Petitioner mailed a letter to the last known address of Mr. Sun. This mailing was not deliverable - it was returned to Petitioner and was marked "return to sender, 'Attempted Not Known[1]'."

As such, it is clear that Petitioner has actual knowledge that the non-signing inventor does not reside at the last known address, however it <u>does not appear that Petitioner has made any effort to locate this individual</u>.

Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* There is no indication that a search was performed for Mr. Sun. There is no indication that the Rule

1 LaFluer declaration of facts, paragraph 3.

47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor[2]. Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If this search is sufficiently broad so as to provide a reasonable chance at locating this individual, and it is then averred that such attempts failed, then Petitioner will have provided the necessary proof required under 37 C.F.R. § 1.47 that the non-signing inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

Petitioner should note that if the non-signing inventor is located, Petitioner will need to submit either a supplemental declaration or a supplemental Application Data Sheet that contains the correct address for the non-signing inventor.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[6].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

---

2 See MPEP § 409.03(d).
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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OCT 27 2008

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

In re Application of Michael Healy, Yuen-Wen Lee, and David Sun Application No. 12/125,876 Filed: May 22, 2008 Attorney Docket Number: 2705-1020 Title: TIMED PACKET PROCESSING TO REGULATE DATA TRANSFER BETWEEN COMPONENTS OF A GATEWAY FOR A CONSTANT DELAY NETWORK	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed September 24, 2008.

This renewed petition pursuant to Rule 1.47(a) is **DISMISSED**.

This application was filed on May 22, 2008, listing Michael Healy, Yuen-Wen Lee, and David Sun as joint inventors. The application was deposited without a fully executed declaration. On June 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;

(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on June 9, 2008, along with a declaration that has been executed by each of the joint inventors save Mr. Sun, the petition fee, the last-known address of the non-signing joint inventor, a copy of a letter, and a statement of facts.

The original petition was dismissed via the mailing of a decision on July 24, 2008. The decision indicated that requirements (1) - (3) and (5) of Rule 1.47(a) had been satisfied, and that Petitioner would need to establish that a diligent effort had been made to locate the non-signing inventor.

With this renewed petition, Petitioner has indicated that a search was performed using the GOOGLE® Internet search engine. However, Petitioner has not provided a copy of the search results, and therefore, the Office cannot ascertain whether any promising leads were obtained.

Moreover, the undersigned has performed a search for this individual on LEXISNEXIS®, and a plurality of leads was found for the non-signing inventor.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[5]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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Paper No.

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

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MAR 02 2009

OFFICE OF PETITIONS

In re Application of :
Michael Healy, Yuen-Wen Lee, :
and David Sun :
Application No. 12/125,876 : DECISION ON SECOND RENEWED
Filed: May 22, 2008 : PETITION PURSUANT TO
Attorney Docket Number: 2705- : 37 C.F.R. § 1.47(A)
1020 :
Title: TIMED PACKET PROCESSING :
TO REGULATE DATA TRANSFER :
BETWEEN COMPONENTS OF A GATEWAY :
FOR A CONSTANT DELAY NETWORK :

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed January 26, 2009.

This second renewed petition pursuant to Rule 1.47(a) is **DISMISSED**.

This application was filed on May 22, 2008, listing Michael Healy, Yuen-Wen Lee, and David Sun as joint inventors. The application was deposited without a fully executed declaration. On June 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;

(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on June 9, 2008, along with a declaration that has been executed by each of the joint inventors save Mr. Sun, the petition fee, the last-known address of the non-signing joint inventor, a copy of a letter, and a statement of facts.

The original petition was dismissed via the mailing of a decision on July 24, 2008. The decision indicated that requirements (1) - (3) and (5) of Rule 1.47(a) had been satisfied, and that Petitioner would need to establish that a diligent effort had been made to locate the non-signing inventor.

A renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on September 24, 2008, and was dismissed via the mailing of a decision on October 27, 2008, which indicated that Petitioner would need to provide further documentation pertaining to the search that was performed for the non-signing inventor.

With this renewed petition, Petitioner has submitted a declaration that has been executed by the previously non-signing joint inventor, and has thus attempted to achieve joinder. **However, this declaration cannot be accepted.**

Pursuant to 37 C.F.R. § 1.48(f)(1), inventorship is set by the first submission of an executed declaration. A partially executed declaration was included on initial deposit, where the

formerly non-singing joint inventor was set forth as "David Sun." As such, this individual's name was set as "David Sun" on filing.

With the declaration that has been filed concurrently with this second renewed petition however, Mr. Sun has printed his name as "Yihaun (David) Sun," and has signed his name as what appears to be "Sun Yihuan." As such, the formerly non-signing inventor has placed two different names on this declaration. To further complicate matters, Petitioner has concurrently submitted a Supplemental Application Data Sheet (ADS) which lists this individual as "David YiHuan SUN"[1] ((note that the "h" in "Yihuan" has been capitalized).

In other words, the individual who was formerly identified as "David Sun" has now been represented to have three different names with two alternate spellings:

- Yihaun David Sun,
- Sun Yihuan, and;
- David YiHuan Sun.

Before joinder may be achieved, **Petitioner will need to submit:**

1. a **grantable petition pursuant to 37 C.F.R. § 1.182**, as it is clear that the inventor was not correctly named on filing. Petitioner will need to include a statement from the formerly non-signing, signed both as "David Sun" and his correct name (be it "Yihaun David Sun," "Sun Yihuan," or "David YiHuan Sun,") so as to indicate that these two identifiers represent the same individual;

2. A **properly executed declaration** from the formerly signing joint inventor, as he has executed the present declaration using two different names. Only one variation of this individual's name must appear on this document, both in print and in signature forms, and;

3. an **explanation from the formerly non-signing joint inventor as to why he executed this declaration using two different names.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled

1 Pursuant to 37 C.F.R. § 1.63(d)(3), "[t]he oath or declaration under § 1.63 or § 1.67 governs inconsistencies with the application data sheet in the naming of inventors."

"Third Renewed Petition pursuant to 37 C.F.R. § 1.47(a) and Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[6]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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Paper No.

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

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JUN 01 2009
OFFICE OF PETITIONS

In re Application of Michael Healy, Yuen-Wen Lee, and Yihuan Sun Application No. 12/125,876 Filed: May 22, 2008 Attorney Docket Number: 2705-1020 Title: TIMED PACKET PROCESSING TO REGULATE DATA TRANSFER BETWEEN COMPONENTS OF A GATEWAY FOR A CONSTANT DELAY NETWORK	DECISION ON THIRD RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A) AND PETITION PURSUANT TO 37 C.F.R. § 1.182

This is in response to the third renewed petition pursuant to 37 C.F.R. § 1.47(a), filed March 16, 2009. This is also a decision on the concurrently filed petition pursuant to 37 C.F.R. § 1.182, requesting that "David Sun" be changed to "Yihuan Sun."

Submission of a supplement to the former petition, received on May 28, 2009, is acknowledged.

PROCEDURAL HISTORY

This application was filed on May 22, 2008, listing Michael Healy, Yuen-Wen Lee, and David Sun as joint inventors. The application was deposited without a fully executed declaration. On June 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, a fully executed oath or declaration and the

surcharge associated with the late submission of the same. The notice set a two-month period for response.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on June 9, 2008, along with a declaration that has been executed by each of the joint inventors save Mr. Sun, the petition fee, the last-known address of the non-signing joint inventor, a copy of a letter, and a statement of facts.

The original petition was dismissed via the mailing of a decision on July 24, 2008.

A renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on September 24, 2008, and was dismissed via the mailing of a decision on October 27, 2008.

A second renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on January 26, 2009, and was dismissed via the mailing of a decision on March 2, 2009.

The petition pursuant to 37 C.F.R. § 1.182:

Petitioner has requested that the inventor formerly known as "David Sun" be listed as "Yihuan Sun." Petitioner has submitted the petition fee, as well as an affidavit signed by both names.

The petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**. The inventors are now listed as:

Michael Healy
Yuen-Wen Lee
Yihuan Sun

A corrected filing receipt has been enclosed.

The third renewed petition pursuant to 37 C.F.R. § 1.47(a):

Along with this third renewed petition pursuant to 37 C.F.R. § 1.47(a), Petitioner submitted a declaration that has been executed by previously non-signing joint inventor Sun.

As such, this third renewed petition pursuant to 37 C.F.R. § 1.47(a)is **DISMISSED AS MOOT**.

In view of the joinder of the joint inventor, further consideration under 37 C.F.R. § 1.47(a) is not necessary and the petition is considered moot. This application does not have any

Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 C.F.R. § 1.47(a).

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected filing receipt

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/125,966	05/23/2008	Brian R. Matthiesen	AUS920071015US1	5526

78038 7590 08/14/2008
LEVEQUE INTELLECTUAL PROPERTY LAW, P.C.
221 E. CHURCH STREET
FREDERICK, MD 21701

EXAMINER
ALAM, HOSAIN T

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
08/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Renee Michelle Leveque
Leveque Intellectual Property, PC
221 East Church Street
Frederick, MD 21701

In re Application of:
Brian R. MATTHIESEN et al
Serial No.: 12/125,966
Filed: May 23, 2008
Attorney Docket: AU920071015US1
Title: SYSTEM AND METHOD FOR NOTIFICATION OF GROUP MEMBERSHIP CHANGES IN A DIRECTORY SERVICE

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 23, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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.
12/125,994	05/23/2008	Makoto Haga	201252-0015-00 (424108)	5573

55694 7590 06/07/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

ART UNIT	PAPER NUMBER
2183	

NOTIFICATION DATE	DELIVERY MODE
06/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.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

Drinker Biddle & Reath (DC)
1500 K. Street, N.W., suite 1100
Washington, DC 20005-1209

In re Application of: HAGA M.
Application No. 12/125,994
Filed: May 23, 2008
For: Numerical controller having function of resuming look-ahead of block.

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 21, 10 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 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 fail to include:

A. Items **2** and **3** above. Specifically,

The claims in the US application do not correspond with the JPO claims. In particular, US claims 5, 6, 7 do not have correspondent claims in the JPO.

The claims do not correspond.

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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NEW YORK, NY 10017

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Peter Lupoli, et al.	:	
Application No. 12/125,998	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO WITHDRAW
Attorney Docket No. 11486-0005-999	:	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 November 26, 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 request was signed by Garry J. Tuma on behalf of all attorneys of record who are associated with customer No. 20583. All attorneys/agents associated with the Customer Number 20583 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There 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: PETER LUPOLI
565 PICACHO LANE
SANTA BARBARA, CA 93108

cc: DR. JAY KESAN
2709 WINDWARD BOULEVARD
CHAMPAIGN, IL 61821

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/125,998	05/23/2008	Peter Lupoli	11486-0005-999

CONFIRMATION NO. 5586

POWER OF ATTORNEY NOTICE

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

OC000000035765821

Date Mailed: 05/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/26/2008.

- 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

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CANTOR COLBURN LLP - IBM TUSCON DIVISION
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OCT 22 2008

In re Application of: MESERTH, TIMOTHY A. et al. Application No.: 12/126,009 Filed: May 23, 2008 Title: METHOD AND SYSTEM FOR PAGE NAVIGATING USER INTERFACES FOR ELECTRONIC DEVICES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 23, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 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.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" (PESD) including pages 1-9; the "accelerated examination support document" (AESD) comprising pages 1-9, and an Information Disclosure Statement (IDS).

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in the following class/subclasses combinations: 715/241, 243-247.

In addition the following additional word search must be performed:
paginating or indexing electronic documents;
table of contents or TOC creation;
document navigation synchronization;
document$1 and tactile feedback (especially for last limitation of claim 1).

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claim that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claim that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every*

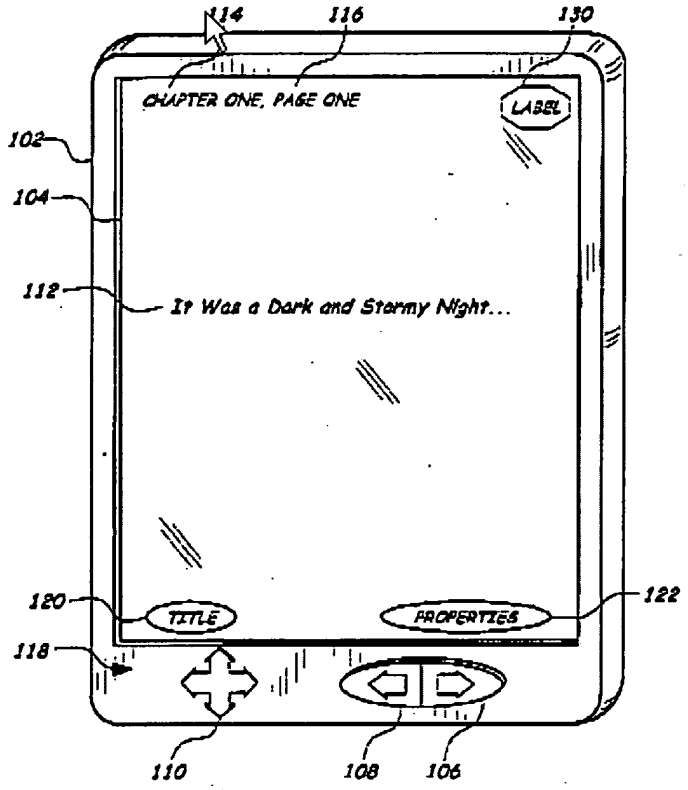
conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission is not specific enough. Petitioner points out some limitations of the claim and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each discrete limitation (i.e., each single limitation, NOT multiple limitations bundled together) and state where it is (or state that it is not) found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied by listing verbatim ("copy and paste") the presently filed claim (i.e., the claim of the instant application) and by indicating where each discrete limitation (without bundling limitations to the extent possible) of each one of said presently filed claim is taught (or is not taught) in each one of the most closely related references that is cited, by specifically indicating the element number and/or the relevant page/paragraph and line number(s), or by indicating "(not disclosed)" where appropriate - in order to ensure that no limitation was left out inadvertently. Claim recitations must be complete. Statements such as "Limitation II(b) – (not disclosed)", i.e., recitations that do not spell out the relevant limitations should be avoided. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Applicant's attention is drawn to the fact that the requirement of this element calls for a straight mapping of each single limitation unto the prior art. Section II element 6.2 is not the proper venue to imply patentability by bundling limitations and concluding that the combination is not disclosed. Patentability arguments should be made only in response to the requirement of section II element 6.3.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the patentability argument appears to be lacking a detailed explanation, that may be result from a too narrow reading of the claim limitations unto the prior art. For example, recitation

f) wherein the detents and resistance points are implemented in at least one of: virtually in navigational software, and physically with a series of elevations or ridges that interface with the navigational software; and

appears to read on elements 106 and 108 of Griencewic:



For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by indicating for the presently filed claim (i.e., the claim of the instant application) which specific i.e., discrete limitation(s) in said presently filed claim define(s) over each one of the most closely related references that is cited. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that is cited, one reference at a time. Patentability arguments must specifically spell out the relevant limitation(s); prior art patents can be referred to by the last name of the first inventor. Statements such as "Reference A does not teach limitation II(b)" must be avoided.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met because lack of specificity. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the disclosure of the required claim limitations, addressed individually for each limitation in each claim. For example, with regard to the limitations of recitation (f), the mapping unto paragraph [0019] would not enable one of ordinary skill in the art how to make and use the claimed invention, as the claim mirrors almost verbatim the content of said paragraph. The present specification does provide in other location(s) clear teachings as to how to make and use the claimed invention, that satisfy the enablement requirement under 35 USC 112, 1st paragraph. The requirement of section II element 6.5 can be satisfied by listing verbatim the presently filed claim (by "copy and paste") and by

indicating where the instant application (and separately each one of the priority documents – if applicable) teaches each discrete limitation (without bundling limitations to the extent possible) in said presently filed claim, by indicating the element number and/or the relevant page and line numbers. If the application(s) for which domestic priority is claimed is/are identical to the present application, a statement to this effect in lieu to the required mapping is acceptable. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6th paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard (requirement presently satisfied).

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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NOV 26 2008

In re Application of: MESERTH, TIMOTHY A. et al Serial No.: 12/126009 Filed: May 23, 2008 Title: METHOD AND SYSTEM FOR PAGE NAVIGATING USER INTERFACES FOR ELECTRONIC DEVICES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on October 22, 2008. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of November 22, 2008, the expiry of the period set, neither a reply nor a renewed petition was received via USPTO's Electronic Filing System (EFS) or via EFS-Web. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,017	05/23/2008	Bernadette Alexia Carter	RSW920080242US1	5620

76793 7590 09/30/2008
Cahn & Samuels, LLP
1100 17th St., NW, Ste. 401
Washington, DC 20036

EXAMINER
LO, WEILUN

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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COMMISSIONER FOR PATENTS
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WASHINGTON, DC 20231
www.uspto.gov

Warren Zitlau
Cahn & Samuels, LLP
1100 17th St., NW, Suite 401
Washington DC 20036

In re Application of:
Carter et al.
Serial No.: 12/126017
Filed: May 23, 2008
Docket: RWS920080242US1
For: **System and Method to Assist in Tagging of Entities**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 23, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II 6.1 - 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 and II 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy should be modified to include reasonable number of synonyms. Here is an example search strategy that would complete this requirement.

(profile preference) -> l1

(entity component element item object unit subject part link document file text image photo bookmark email e-mail sound) -> l2

(monitor$3 track$3 check$3 supervis$3 trac$3 hunt$3 watch$3 follow$3 tag$4 observ$3) near l2 -> l3

(determin$3 judg$3 assess$3 decid$3 find$3 ascertain$3 specify$3 conclud$3 calculat$3 measur$3) near (threshold limit pre-determin$3 number measure frequency usage count) -> l4

l1 same l4 -> l5

(generat$3 render$3 develop$3 creat$3 mak$3 produc$3 present$3 display$3) near (recommendation recommend$3 suggest$3 list reminder pop-up popup advis$3 advic$3 commendat$3 alert$3 alarm warn$3 notification notify$3 notified) -> l6

l2 same l6 -> l7

(tag$3 mark$3 bookmark$3 tail$3 attach$3) with l2 -> l8

l3 and l5 and l7 and l8

Or is the default operator. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

[1] MPEP 8th ed. rev 5 August 2006

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 715 **DATA PROCESSING: PRESENTATION PROCESSING OF DOCUMENT, OPERATOR INTERFACE PROCESSING, AND SCREEN SAVER DISPLAY PROCESSING** Subclasses 707-708 (Context Sensitive Presentation, 745, 747 (Interface Customization based on profile or preference) & 789 (Layout modification based on profile or usage), for subject matter related to tagging based on usage/profile. This additional search area was confirmed with an examiner in the pertinent art area.

Regarding to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document references fails to specifically point out where each feature has support instead there is a sweeping statement that all features are found in 3 drawing figures and 16 paragraphs of the specification. Correction is required.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is QAS Kim Huynh whose number is (571)-272-4147.

/Tod Swann/

Tod R Swann
Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,017	05/23/2008	Bernadette Alexia Carter	RSW920080242US1	5620

76793 7590 01/07/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Warren Zitlau
Cahn & Samuels, LLP
1100 17th St., NW, Suite 401
Washington DC 20036

In re Application of:
Carter et al.
Serial No.: 12/126017
Filed: May 23, 2008
Docket: RWS920080242US1
For: SYSTEM AND METHOD TO ASSIST IN TAGGING OF ENTITIES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on October 30, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on September 30, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of conditions II 6.5 and the new Search Document meets the requirements of conditions II 5.2 that were deficient in the original petition. It should be noted that the references deemed most closely in the first petition have been replaced by new references in the second petition. The replacement of the references is being taken as an admission that the original references are no longer the most closely related.

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 Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 04/20/2010

Applicant	: Hideaki Kuroda	: DECISION ON REQUEST FOR
Patent Number	: 7586241	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/126,022	: OF WYETH
Filed	: 05/23/2008	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Frishauf, Holtz, Goodman & Chick, PC
220 Fifth Avenue
16th Floor
New York, NY 10001-7708

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APR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Moshe Meller	:	
Application No. 12/126,023	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 08224/LH	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 20, 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 the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN NC 28563-0867

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OFFICE OF PETITIONS

In re Application of :
DARSOW, Craig M. et al. :
Application No. 12/126,037 :
Filed: May 23, 2008 :
Attorney Docket No. **ROC920080111US1 (IBM 35)** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **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 Edward Mills on behalf of all attorneys of record who are associated with customer No. 74342. All attorneys/agents associated with the Customer Number 74342 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 Craig Darsow at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **CRAIG M. DARSOW**
2205 PARKWOOD HILLS DRIVE N.E.
ROCHESTER MN 55906

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Ward and Smith, P.A.
1001 College Court
P.O. Box 867
New Bern, NC 28563-0867

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FEB 2 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Craig M. Darsow et al.	:	
Application No. 12/126,053	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO WITHDRAW
Attorney Docket No. ROC920080112US1 (IBM 36)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **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 E. Eric Mills on behalf of all attorneys/agents associated with customer number 74342. All attorneys/agents associated with customer number 74342 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

Future correspondence will be mailed to the address of the first signing inventor.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Craig M. Darsow
2205 Parkwood Hills Drive N.E.
Rochester, MN 55906

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/126,053	05/23/2008	Craig M. Darsow	ROC920080112US1 (IBM 36)

CONFIRMATION NO. 5688

POWER OF ATTORNEY NOTICE

OC000000034768651

74342
WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

Date Mailed: 02/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/23/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,093	05/23/2008	Takuji Himeno	450100-03175.6	5777

7590 08/28/2009
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 08/28/2009 BPOWELL
08/25/2008 INTERSU 00001447 12126093
01 FC:1251 -1050.00 OP

Adjustment date: 08/28/2009 BPOWELL
08/25/2008 INTERSU 00001447 12126093
01 FC:1251 -1050.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,149	05/23/2008	Chandrajit Gangadhar Joshi	2008_0643A	5893

78806 7590 08/20/2008
Wenderoth, Lind & Ponack, L.L.P
2033 K Street, NW
Suite 800
Washington, DC 20006

EXAMINER
ALAM, HOSAIN T

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
08/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Teresa M Arroyo
Wenderoth, Lind & Ponack, LLP
2033 K Street, N.W.
Suite 800
Washington, D.C. 20006

In re Application of: Chandrajit G. JOSHI et al Serial No.: 12/126,149 Filed: May 23, 2008 Attorney Docket: 2008_0643A Title: ONLINE RELOCATION OF LDAP ENTRIES AND SUBTREES IN A DISTRIBUTED DIRECTORY ENVIRONMENT	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 23 May 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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TERESA M ARROYO
SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVENUE
SUITE 603
SILVER SPRING MD 20910

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Joshi et al.	:	DECISION ON PETITION
Application No. 12/126,149	:	TO WITHDRAW
Filed: May 23, 2008	:	FROM RECORD
Attorney Docket No. 1773.003	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 21, 2009.

The request is **DISMISSED.**

A review of the file record indicates that Teresa M. Arroyo does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

All future communications from the Office will continue to be directed solely to the address of record.

Currently the above-identified application has issued and is classified as a patented case.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of
Murakami et al.
Application No. 12/126,153
Deposited: May 23, 2008
Attorney Docket No. ARC-249-501

ON PETITION

This is in response to the "AMENDMENT AND RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND PETITION (UNDER 37 C.F.R. 1.57(a)) TO ENTER INADVERTENTLY OMITTED DRAWINGS" filed December 31 2008, requesting that the above-referenced application be accorded a filing date of May 23, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on May 23, 2008. However, on November 4, 2008[2], the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. A review of the record including the Electronic Acknowledgement Receipt shows the Office did not receive drawings on May 23, 2008.

However, a review of the application confirms that, as filed, the application contained at least one composition claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

[2] It is noted that a Notice to File Missing Parts was mailed in error on May 30, 2008.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

It should be noted that a review of the drawings submitted on petition shows that the drawings are not compliant with 37 CFR 1.121(d). When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

To the extent the instant petition requests a filing date of May 23, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee is required and none has been charged.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to May 23, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed December 31, 2008 will be determined by the examiner.

Petitioner has not stated that a return receipt postcard was submitted with the application upon filing. If petitioner has such postcard and submits a copy, this decision will be revisited.

Telephone inquiries concerning this matter may be directed to Charlema Grant at (571) 272-3215.

Anthony Knight
Supervisor
Office of Petitions

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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

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JUN 16 2008

In re Application of	:	
GERSTMAN, George H.	:	
Application No. 12/126,155	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **Gerstman 400400**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor George H. Gerstman, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 10-6-2009

DATE : 10/2/09

TO SPE OF : ART UNIT 3721

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/126,162 Patent No.: 7565782 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 – 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Certificates of Correction Branch

Lamonte

Newsome

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

SPE

3721
Art Unit

PTO/SB/44 (09-07) Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. (Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,565,782

APPLICATION NO.: 12/126,162

ISSUE DATE: July 28, 2009

INVENTOR(S) : Williams et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page:
Related U.S. Application Data is incomplete: Please add -- U.S. application Ser. No. 10/437,353, filed May 13, 2003, now U.S. Pat. No. 6,971,541 issued Dec. 6, 2005 --

Column 1, line 10: Please correct "Ser. No. 10/437,353, filed May 13, 2004"
To read -- Ser. No. 10/437,353, filed May 13, 2003 --

MAILING ADDRESS OF SENDER:
Myers, Bigel, Sibley & Sajovec
P.O. Box 37428
Raleigh, NC 27627

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.
12/126,201	05/23/2008	Toru Ohno	Q108341	5999

23373 7590 01/12/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
LEE, THOMAS C

ART UNIT	PAPER NUMBER
2115	

NOTIFICATION DATE	DELIVERY MODE
01/12/2010	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE, MION, LLP
2100 Pensylvania Ave, N. W.
Suite 800
Washington, DC 20037

In re Application of: Toru OHNO
Application No.: 12/126,201
Filed: May 23, 2008
For: **SERIAL COMMUNICATION SYSTEM AND SERIAL COMMUNICATION METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 06, 2009 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim;

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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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DEC 03 2009

OFFICE OF PETITIONS

JOHN J. OSKOREP, ESQ. LLC
980 NORTH MICHIGAN AVENUE, SUITE 1400
ONE MAGNIFICENT MILE CENTER
CHICAGO IL 60611

In re Application of	:	
Gunaratnam et al.	:	
Application No. 12/126,223	:	DECISION ON PETITION
Filed: 05/23/2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 0108-0252/US/3	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed on September 3, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the application data sheet (ADS) and amendment filed on September 3, 2009.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

At the outset, the amendment filed with the present petition is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Petitioners should file a corrected amendment deleting the improper incorporation by reference.

Nevertheless, as an ADS is included with the present petition, the petition may be favorably considered.

The instant nonprovisional application is a continuation of prior-filed Application No. 10/987,557, filed on November 12, 2004, now U.S. Patent No. 7,398,089, which claims the benefit of provisional Application No. 60/519,141 filed on November 12, 2003. Application No. 12/552,744, filed on September 2, 2009, is a reissue of Application No. 10/987,557, and claims the benefit of, *inter alia*, prior-filed Application No. 60/519,150, filed on November 12, 2003.[1]

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

---

[1] See MPEP 1402.

The application is being forwarded to Technology Center AU 2617 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/126,223	05/23/2008	2617	1410	0108-0252/US/3	25	3

CONFIRMATION NO. 6042

CORRECTED FILING RECEIPT

90196
John J. Oskorep, Esq. LLC
980 North Michigan Avenue, Suite 1400
One Magnificent Mile Center
Chicago, IL 60611

OC000000038876143

Date Mailed: 12/03/2009

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)

Jayasri Gunaratnam, Kitchener, CANADA;
Noushad Naqvi, Waterloo, CANADA;
Craig Ian Haight Swann, Waterloo, CANADA;
Hugh Hind, Waterloo, CANADA;
Bao Quoc Nguyen, Waterloo, CANADA;
Darcy Richard Phipps, Waterloo, CANADA;
Bryan Taylor, Kitchener, CANADA;

Assignment For Published Patent Application

RESEARCH IN MOTION LIMITED, Waterloo, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 90196

Domestic Priority data as claimed by applicant

This application is a CON of 10/987,557 11/12/2004 PAT 7,398,089
which claims benefit of 60/519,141 11/12/2003
and claims benefit of 60/519,150 11/12/2003

Foreign Applications

If Required, Foreign Filing License Granted: 06/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/126,223**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DATA-CAPABLE NETWORK PRIORITIZATION WITH REDUCED DELAYS IN DATA SERVICE

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Heo et al.	:	DECISION ON PETITION
Application Number: 12/126380	:	
Filing Date: 05/23/2008	:	
Attorney Docket Number: PHO-0115	:	

This is a decision on the petition under 37 CFR 1.59(b), filed on August 13, 2008, requesting that a petition to accept color drawings, filed on May 23, 2008, be expunged.

The petition is **DISMISSED**.

The petition to expunge states that the petition to accept color drawings "contained information, other than the original disclosure of the application."

Petitioner therefore seeks to have this document expunged from the file.

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.
(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

At the outset, it is noted that the petition to accept color drawings was filed with the original application papers.

MPEP 724.06(IV) states that a petition to expunge a part of the original disclosure must be filed under 37 CFR 1.183, since such a request requires a waiver of the requirements of 37 CFR 1.59(a). Petitions under 37 CFR 1.183 should be directed to the Office of Petitions. The petition must explain why justice requires waiver of the rules to permit the requested material to be expunged. It should be noted that petitions to expunge information which is a part of the original disclosure, such as the specification and drawings, will ordinarily not be favorably entertained. The original disclosures of applications are scanned for record keeping purposes. Accordingly, the grant of a petition to expunge information which is part of the original disclosure would require that the USPTO record of the originally filed application be changed, which may not be possible.

Petitioner must explain, in any renewed petition, why the material sought to be expunged should not be considered part of the original disclosure.

Furthermore, MPEP 724.05(II) states that 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.

The petition lacks the requirements of B and E, above. The petition to expunge is dismissed because the petition does not contain a clear statement that the information requested to be expunged is either: (1) a trade secret, proprietary, and/or subject to a protective order; or (2) was unintentionally submitted and 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.

Lastly, petitioner has not established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. A change of correspondence address should be filed if the correspondence address needs to be updated.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Cc:

CANTOR COLBURN LLP
1800 DIAGONAL ROAD
SUITE 510
ALEXANDRIA VA 22314

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United States Patent and Trademark Office
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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

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AUG 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
HYSLOP, William J.	:	
Application No. 12/126,404	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **8112-25**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor William Hyslop, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

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DEC 16 2008

In re Application of	:	
Domm, et al.	:	DECISION REFUSING STATUS
Application No. 12/126,425	:	UNDER 37 CFR 1.47(a)
Filed: May 23, 2008	:	
Attorney Docket No. 54247-7002	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 5, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventors cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirements (1), (2) and (4) set forth above.

As to item (1), petitioner(s) has failed to establish that the non-signing inventors received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventors cannot be reached or located for presentation of the application papers.

As to inventor Harper, petitioners reference communications conducted with said inventor via telephone and email, and, further, have provided a last known address for said inventor. Nevertheless, petitioners have failed to establish that a complete copy of the application (specification, including claims, drawings, and oath or declaration) was mailed to the non-signing

inventor at his last known address and that, therefore, Mr. Harper refused to execute the oath or declaration. Petitioners further do not argue that Mr. Harper cannot be located for presentation of the application papers. Accordingly, it cannot be found that Mr. Harper has refused to execute an oath or declaration after having been presented with the complete application papers. Nor can it be found that Mr. Harper has cannot be reached or located for presentation of the application papers.

As to the remaining non-signing inventors (BLUMBERG, SINGH, WILKS, GOTT, and MCGLOTHLIN), petitioners argue that their last known addresses are unknown. Petitioners state that non-signing inventor Harper did not provide the last known address of these remaining inventors. Petitioners further argue that Mr. Domm attempted, without success, to locate addresses for the remaining inventors via the internet and the University of Chicago.

The petition is not supported by any documentary evidence of efforts made to locate the non-signing inventors. Accordingly, it cannot be found that diligent effort has been made to reach any of the non-signing inventors for presentation of the application papers.

To the extent that petitioners allege that any of any non-signing inventor has refused to execute the oath or declaration, petitioners are advised that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to each non-signing inventor at each non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that a complete copy of the application papers (specification, claims, drawings, and oath or declaration) was mailed to each non-signing inventor at their last known address and that thereafter each non-signing inventor refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventors referencing the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventors receive the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal is made by any inventor, a copy of the written refusal should be included on renewed petition.

To the extent that petitioners alleges the non-signing inventors cannot be reached or located, petitioners are reminded that where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate each of the non-signing inventors and provide each non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate each non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, each non-signing inventor cannot be located. A statement of facts should be

submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate each non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc., should be undertaken in regions where it is suspected the non-signing inventors may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration is not acceptable because it fails to identify each inventor named in the application by name, residence, citizenship and post office address. A newly executed oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available inventors on behalf of themselves and the non-signing inventors is REQUIRED.

Further, the declaration fails to properly set forth the citizenship of inventor DOMM. Mr. Domm sets forth a citizenship of "American." However, the oath or declaration is required to identify the inventor's country of citizenship. *See* 37 CFR §§ 1.63 and 1.76 and MPEP 409.03(a). Correction by way of a newly executed oath or declaration is REQUIRED.

As to item (4), the last known address for each non-signing inventor has not been provided and petitioners indicate this information is not known. However, an application filed pursuant to 37 CFR 1.47 is required to state the last known address of each non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. *See* MPEP §§ 409.03(e) and 605.03.

Correction upon renewed petition is REQUIRED.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

In re Application of	:
Domm, et al.	: DECISION NOTING JOINDER OF
Application No. 12/126,425	: INVENTOR AND PETITION
Filed: May 23, 2008	:
Atty. Dkt. No.: 54247-7002	:

Papers filed on June 17, 2009 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed December 16, 2008, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

It is noted that the address set forth for the previously non-signing inventor does not appear to have been updated, despite the inventor having executed the declaration. Petitioners are advised that changes in address/residence may be made by supplemental application data sheet, if appropriate.

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

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OFFICE OF PETITIONS

In re Application of	:	
Domm, et al.	:	DECISION REFUSING STATUS
Application No. 12/126,425	:	UNDER 37 CFR 1.47(a)
Filed: May 23, 2008	:	
Attorney Docket No. 54247-7002	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 5, 2008. The decision mailed March 10, 2010 is hereby VACATED.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventors cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirements (2) and (4) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration is not acceptable because it fails to identify each inventor named in the application by residence, citizenship and post office address. A newly executed oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available inventors on behalf of themselves and the non-signing inventors is REQUIRED.

Correction is REQUIRED.

As to item (4), the last known address for each non-signing inventor has not been provided and petitioners indicate this information is not known. However, an application filed pursuant to 37 CFR 1.47 is required to state the last known address of each non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. *See* MPEP §§ 409.03(e) and 605.03. Also enclosed search report.

Correction upon renewed petition is REQUIRED.

Further correspondence with respect to this matter should be addressed as follows:

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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Paper No.

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BLOOMFIELD HILLS MI 48304-5048

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OFFICE OF PETITIONS

In re Application of	:	
James Steelman, Timothy O'Brien	:	DECISION REFUSING STATUS
Larry Vigneau, Jeromy Weible	:	UNDER 37 C.F.R. § 1.47(a)
Application No. 12/126,462	:	
Filed: May 23, 2008	:	

This is a decision on the PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN UNDER RULE 1.47(a) filed September 19, 2008.

The petition under 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on May 23, 2008, without an executed oath or declaration but with an application data sheet (ADS). Accordingly, on June 5, 2008, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition including a declaration and late surcharge. This response was made timely by an accompanying petition and fee for response within the second month. Applicant and the available joint inventors petition to make this application on behalf of the non-signing joint inventor, James Lloyd Steelman, who cannot be found after diligent effort.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Requirement (3) has been satisfied. The required petition fee of $200 has been charged to petitioner's Deposit Account, as authorized. However, the petition is not grantable because requirements (1) and (2) have not been satisfied. Moreover, with respect to requirement (4), the petition includes a statement of the last known address of the non-signing inventor. Given the deficiency in requirement (1) discussed below, the statement of the last known address is not acceptable.

With respect to requirement (1), the petition does not include adequate proof that inventor Steelman cannot be found or reached after diligent effort. By declaration of facts of Thomas Appledorn, petitioner sets forth the facts relied on to conclude that inventor Steelman cannot be found or reached after diligent effort. The efforts include sending an email to the inventor at his email address for the assignee company, which was returned as undeliverable; learning that the inventor was no longer employed by the assignee company; sending a package including the declaration to the inventor by Federal Express, with said package being returned to sender; and performing an internet search using the whitepages for inventor Steelman, and attempting to contact inventor Steelman at the phone number disclosed and receiving a recorded operator notice that the call could not go through.

The efforts disclosed have been considered but not found to constitute diligent effort. The facts do not disclose whether applicants inquired of the human resources department of any

forwarding address for the inventor. Further, the whitepages internet search result shows a phone number for the internet at the address that applicants used and found to no longer be valid. Given that the address result was invalid, the result was not likely to, and did not in fact, yield a good telephone number to use to reach the inventor. More importantly, applicants failed to use more tailored search tools available for locating an individual at an address. A search for the inventor on the Public Records in www.lexis.com reveals a last known address for a James Lloyd Steelman (formerly of Sterling Heights, MI) at 4345 Thomville Rd, Metamora MI 48455-9254. Applicants should attempt to confirm if this is inventor Steelman and if so, present all of the application papers to the inventor at that address. Then, on renewed petition, applicants will be able to show that the inventor refused to join in the application after having been presented with the application papers, or applicants can respond with a declaration executed by inventor Steelman. (However, note there should be no non-initialed, non-dated alterations to the declaration. For example, if inventor Steelman signs and updates his address, then he must initial (and should date) that change).

With respect to requirement (2), it is not clear whether the declaration submitted is acceptable. It is permissible for the inventors to sign separate declarations. Nonetheless, as stated in MPEP 605.04(a), 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. Accordingly, applicants must submit to the Office each declaration in its entirety and not just the signature pages of some. In this instance, it is unclear if applicants have combined pages of the declarations as signed by each inventor into one declaration. Clarification is required. If the declaration presented is a combined one, then on renewed petition, the declarations in their entirety as presented to the inventors must be submitted.

With respect to requirement (4), any renewed petition should include a new statement of the last known address of inventor Steelman. Likewise, if a more current address is ascertained, a supplemental ADS executed by a proper party under 37 CFR 1.33(b) with the address should be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions
ATTN: NANCY JOHNSON

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

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SUITE 100
BLOOMFIELD HILLS MI 48304-5048

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
James Steelman, Timothy O'Brien	:	DECISION REFUSING STATUS
Larry Vigneau, Jeromy Weible	:	UNDER 37 C.F.R. § 1.47(a)
Application No. 12/126,462	:	
Filed: May 23, 2008	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a) filed May 13, 2009.

The petition under 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on May 23, 2008, without an executed oath or declaration but with an application data sheet (ADS). In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed June 5, 2008, on September 19, 2008, applicant filed a PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN UNDER RULE 1.47(a). By decision mailed March 12, 2009, the petition was dismissed on the basis that applicants had not shown that the non-signing

joint inventor, James Lloyd Steelman, could not be found after diligent effort.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

With respect to requirement (1), the petition still does not include adequate proof that inventor Steelman cannot be found or reached after diligent effort. Previously, applicants were advised that they had failed to use more tailored search tools available for locating an individual at an address. Specifically, it was noted that a search for the inventor on the Public Records in www.lexis.com revealed a last known address for a James Lloyd Steelman (formerly of Sterling Heights, MI) at 4345 Thomville Rd, Metamora MI 48455-9254.

With respect to requirements (1) and (4), applicants do not show that they made efforts to reach inventor Steelman at the Metamora MI address or any other address. They do not detail their alleged repeated and unsuccessful attempts to confirm that the Mr. Steelman in Metamora was inventor Steelman. Thus, the previous noted deficiencies with respect to (1) and (4) continue to be outstanding.

With respect to requirement (2), applicants clarified that the inventors were provided with the same declaration, one that identified the entire inventive entity. Further, applicant supplied copies of the declaration as presented to the inventors.

On any renewed petition, requirements (1) and (4) must be met.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions
ATTN: NANCY JOHNSON

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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San Jose, CA 95161

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APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Koji Takinami, et al.	:	
Application No. 12/126,475	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO WITHDRAW
Attorney Docket No. 56398-2500	:	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** as 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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ATTN: PATENT DOCKETING ROOM 2A-207
BEDMINSTER NJ 07921

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Morin, Raymond B.	:	
Application No. 12/126,485	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. 2007-0304	:	
(40147/07301)		

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

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OFFICE OF PETITIONS

In re Application of
Pavan K. Namineni et al.
Application No. 12/126,502
Filed: May 23, 2008
Attorney Docket No. **CYB-10402/03**

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This decision is in response to the petition filed November 7, 2008 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on May 23, 2008, with an un-executed oath or declaration. A Notice to File Missing Parts was mailed June 6, 2008 and in response an oath or declaration, signed only by joint inventor Jacobus but not by joint inventor Namineni was filed with the instant petition under 37 CFR 1.47(a). Petitioners seek status under 37 CFR 1.47 claiming that joint inventor Namineni refuses to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to joint inventor Namineni and that to date, he has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Deposit account no. 07-1180 has been charged in the amount of $555.00 for a three

month extension of time to make the response timely and to avoid abandonment, using the general authorization found on the original application transmittal, pursuant to 37 CFR 1.16 and 1.17, as no pages of the petition indicated an extension of time fee was included or gave authorization to so charge.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MAY 19 2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Richard SWAINSON	:	DECISION ON PETITION
Application No. 12/126,512	:	UNDER 37 CFR §1.181
Filed: May 23, 2008	:	
For: BEARING HOUSING	:	

This is a decision on the petition under 37 CFR 1.181 filed December 5, 2008 to request the withdrawal of the examiner's decision to deny the present application the benefit of priority to an earlier filed U.S. application serial number 11/144,636 (Patent No. 7,387,445).

The petition is **GRANTED IN PART**.

Applicant alleges that the '636 application supports the claim of the present application 12/126,512 (hereafter the '512 application). in the manner provided by 35 USC 112, first paragraph as to written description and enablement. As such, the examiner erred in denying the present application the benefit of priority to the '636 application.

The present application (the '512 application) was filed on May 23, 2008 as a continuation of an earlier filed application 11/144,636 (hereafter the "636 application"). Applicant claims priority to the "636 application". The '636 application and the present application are both directed to bearing housings. The claim to priority was denied by the examiner in the Office action dated 10/24/2008 for failing to comply with 35 U.S.C. 120. The examiner alleges that the currently-pending claim in the present application is not supported by the '636 application in the manner provided by the first paragraph of 35 U.S.C. § 112. The examiner further asserts that the '636 application fails to provide sufficient written description of a device that does not include a "baffle", and therefore does not enable the currently-pending claim of the present application.

The allowed claim 1 of the '636 application (claim 1 of the '445 patent) recites a combination of structures, including an out-take extending across a chordal arc of a housing chamber, a baffle disposed in the housing, and a portion of the wall of the housing adjacent to the leading edge of the baffle having a spiral divergence. The claim of the present application recites a similar combination, but omits the "baffle", which the Examiner considers critical and essential to the present invention.

35 U.S.C. § 120 Benefit of earlier filing date in the United States.
An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application. No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section.

Rule 37 CFR § 1.78 (a)(2)(i) further specifies that "Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14)."

The denial of the present application to priority to the '636 application is improper. The present application was properly filed before the patenting of the '636 application and it includes at least one inventor, Richard Swainson, named in the prior nonprovisional '636 application as required by 35 USC § 120. The specification of the present application contains a cross reference to the '636 application identifying it by application number and indicating the relationship of the applications in accordance with rule 1.78 (a)(2)(i). The disclosure presented in the continuation is substantially the same as that of the original application. The continuation application properly claims the benefit of the prior nonprovisional '636 application under 35 U.S.C. 120.

Regarding the questions as to whether or not the claims in the instant application meet the requirements of 35 U.S.C. 112, first paragraphs, these questions relate to the merits which go to the patentability of the claims. As such, these questions are matters appealable to the Board of Patent Appeals and Inferences, and not petitionable matters. MPEP § 1201 states that "Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 U.S.C. 134)."

The applicant is returned to the examiner for consideration of the amendment filed January 23, 2009.

Any questions regarding this Decision should be directed to Supervisory Patent Examiner Richard Ridley at (571) 272-6917.

David Talbott, Director
Technology Center 3600
(571) 272-1934

rr/lm: 5/13/10

LM

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,546	05/23/2008	Tokiji ITO	326948US26	6648

7590 03/01/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
VO, HIEU T

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
03/01/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/01/2010 2232280519

Credit Card Refund Total: $1320.00

Adjustment date: 03/01/2010 NFARMER
05/27/2008 INTEFSW 00001831 12126546
02 FC:1111 -510.00 OP
04 FC:1202 -600.00 OP
05 FC:1201 -210.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,551	05/23/2008	Matthew Scott Wood	00095.00003US1	6656

7590 06/19/2009

Raj Abhyanker LLP
c/o Intellevate
P.O. Box 52050
Minneapolis, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
06/19/2009	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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RAJ ABHYANKER LLP
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAIL

JUN 19 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Scott et al.
Serial No.: 12/126,551
Filed: May 23, 2008
Docket: 00095.00003US1
For: **METHOD AND APPARATUS OF NETWORK ARTIFACT INDENTIFICATION AND EXTRACTION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 23, 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

A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a).

A grantable petition to make special under 37 C.F.R. § 1.102 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 application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102 because the petition does not meet the required conditions stated above.

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 Hassan Kizou at (571) 272-3088.

Hassan Kizou
WQAS, Technology Center 2400

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ALFRED F. HOYTE, ESQ.
7734 16TH STREET N.W.
WASHINGTON, DC 20012

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Bryon J. Willner	:	
Application No. 12/126,570	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BW102706.UPA	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3641 action on the merits commensurate with this decision.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

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SPANSION LLC C/O MURABITO , HAO & BARNES LLP
TWO NORTH MARKET STREET
THRID FLOOR
SAN JOSE CA 95113

MAILED
MAR 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Yong Du et al.	:	
Application No. 12/126,600	:	DECISION ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. **SPSN-AF01881**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 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 Restriction Requirement, mailed March 23, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions

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AUG 26 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re Application of:
ALLEN, LLOYD W. JR., et al.
Serial No.: 12/126,604
Filed: May 23, 2008

Title: **SYSTEM AND METHOD FOR CONTROLLING A COMPUTER VIA A MOBILE DEVICE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 23, 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 5.1-5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in items 5.1, 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search is not sufficient. The search fails to include a US field of search. An adequate US field of search would include class/subclasses 704/270, 270.1, 275.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.1-5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re Application of:
ALLEN, LLOYD W. JR., et al.
Serial No.: 12/126,604
Filed: May 23, 2008

Title: **SYSTEM AND METHOD FOR CONTROLLING A COMPUTER VIA A MOBILE DEVICE**

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 Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder

Quality Assurance Specialist
Technology Center 2600
Communications

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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

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FEB 12 2010

In re Application of	:	
Larry Larcom, et al.	:	
Application No.: 12/126,615	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No.: 15499.945.4	:	

This is a decision on the petition, filed February 10, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3637 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,619	05/23/2008	Matthew Scott Wood	00095.00004US1	6793

20686 7590 04/15/2010
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
04/15/2010	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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DORSEY & WHITNEY, LLP
Intellectual Property Department
370 Seventeenth Street
Suite 4700
Denver, CO 80202-5647

In re Application of:
Matthew S. WOOD et al.
Serial No.: 12/126,619
Filed: May 23, 2008

Title: ON DEMAND NETWORK ACTIVITY REPORTING THROUGH A DYNAMIC FILE SYSTEM AND METHOD

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 13, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be filed with a petition to make special under the accelerated examination program;
2. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
3. 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;
4. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

5. 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 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 June 04, 2008 is evidence that the application was not complete and in condition for examination at the time of filing. In addition, the petition and the required fee were not filed at the time of filing the application.

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 concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

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.
12/126,654	05/23/2008	Michael M. Behrendt	DE920080078US1	6881

75339 7590 09/12/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 11 2008

TECHNOLOGY CENTER 3600

PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON FL 33331

In re application of
Behrendt et al.
Application 12/126,654
Filed: May 23, 2008
For: SYNCHRONIZING SHARED RESOURCES IN AN ORDER PROCESSING ENVIRONMENT USING A SYNCHRONIZATION COMPONENT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on May 23, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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 conditions II.5.1, II.5.2, II.6.2 and II.6.5

Condition II.5.1 requires that the search 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. Applicant did not search most of the database file required by the search template or equivalent. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/008 (see http://www.uspto.gov/web/patents/searchtemplates/class705-008.htm) some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files.
Further, the search on page 3 (Examination Search Document), lists Delphion and Google Scholar and mentions collections which do not make sense. The syntax in Delphion does not appear to be in Google Scholar. Applicant is suggested to separate the two search engines and use the correct syntax for Google Scholar.

Condition II.5.2 requires the preexamination search be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant's searches do not utilize many synonyms, thereby narrowing the search queries. For example no synonyms were used for the words synchronizing, task. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Furthermore, a sample of search logic in **West** to be used in this application is provided below:

L1: ((synchroni$ or coordinat$ or orchestrat$ or harmoni$) same (share or sharing) same resource$)
L2: L1 and order$1 same (process$ or handl$ or execut$)
L3: L2 and (task$ or job$1 or assignment$)

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Applicant is expected to perform more supplemental searches than the sample search queries listed above.

Regarding Condition II.6.2, Applicant fails to map out each claim limitation to all of the references cited on the submitted Information Disclosure Statement. This should be done for each claim as it pertains to each reference cited on the IDS. If Applicant feels that certain references are less relevant to the patentability determination of the claimed invention and, therefore, would prefer not to map these references in detail to each claim limitation, then Applicant may submit an IDS that is designated as the IDS pertinent to

the Accelerated Examination petition. Less relevant references may be cited on a separate IDS.
Specific guidance regarding the proper content of an IDS submitted with a Petition for Accelerated Examination may be found at http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf (see pages 1-3 in particular). Additionally, Applicant must map out each reference on the Accelerated Examination-specific IDS to the dependent claim limitations as well as to those recited in the independent claims. Applicant has not specifically addressed the dependent claims. The following USPTO website has information concerning the procedures for filing a support document that includes an IDS in compliance with 37 CFR 1.98 http://www.uspto.gov/web/patents/accelerated/aefaq.htm

Regarding condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including each limitation in both the independent and dependent claims) the petition needs to identify specific areas of the specification, or at least a single paragraph, where each limitation is supported. Listing broadly a number of figures (i.e., Figures 2-3 or paragraphs (i.e., paragraphs 0008- 0009 and 0010-0011) does not comply with what is required.

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, or Romain Jeanty, Primary Examiner, at (571) 272-6732.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/RJ/ 9/9/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,654	05/23/2008	Michael M. Behrendt	DE920080078US1	6881

75339 7590 11/20/2008
PATENTS ON DEMAND, P.A.
4581 WESTON ROAD
SUITE 345
WESTON, FL 33331

EXAMINER

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
11/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re application of	:	**DECISION ON PETITION**
Behrendt et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/126,654	:	**NEW APPLICATION**
Filed: May 23, 2008	:	**UNDER 37 CFR 1.102**

For: SYNCHRONIZING SHARED RESOURCES IN AN ORDER PROCESSING ENVIRONMENT USING A SYNCHRONIZATION COMPONENT

This is a decision on the renewed petition filed on October 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on May 23, 2008. That petition was dismissed in a decision mailed Sept 12, 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 October 14, 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 October 14, 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 a 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. The dismissal

further provided a list of several of the files indicated in the search template. 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
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

It is noted that the nature of business methods applications requires a thorough search in non-patent literature pertinent to the features of the invention. The Dialog files listed in the search templates have been grouped according to their business and technology-related content and identified as having subject matter relevant and pertinent to their associated USPTO classification. As such, a search of the databases identified in the template associated with the classification of the invention is considered an important search.

Since applicant only searched Google Scholar and did not update their NPL search with any of the databases listed above, the dismissal indicated that the NPL search conducted was insufficient and since the files indicated by the USPTO as pertinent and relevant still have not been searched, nor have alternative files of an equivalent character and coverage been searched, Condition II.5.1 has not been satisfied.

Furthermore, 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 Robert Weinhardt at (571) 272-6633 or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists. Or Jamisue Plucinski, Primary Examiner at (571) 272-6811.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/JP/11/18/08

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JUN 10 2009

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TECHNOLOGY CENTER 2600

Raj Abhyanker LLP
c/o Intellevate
P.O. Box 52050
Minneapolis MN 55402

In re Application of:
WOOD, MATTHEW SCOTT, et al.
Serial No.: 12/126,656
Filed: May 23, 2008

Title: **METHOD AND APPARATUS TO INDEX NETWORK TRAFFIC META-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 13, 2009, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

Effective August 25, 2006, the accelerated examination procedure outlined under 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).

To be eligible for accelerated examination under MPEP § 708.02(a) in accordance with 37 C.F.R. § 1.102(d), 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 together with 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 petition was filed following the procedure outlined in MPEP 708.02 V and VI. This procedure ceased to exist on August 25, 2006, and was replaced by the current procedure outlined in MPEP 708.02(a).

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(d) because it does not meet conditions 2. Specifically, the petition and the required fees were not filed at the same time as the application as required by condition 2), and there was no preexamination search.

For the above-stated reason, 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 inquiry regarding this decision should be directed to Chau Nguyen at (571) 272-3126.

Chau T. Nguyen

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400

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LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO, IL 60610-4746

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
David Watzke, et al. :
Application No. 12/126,676 :
Filed: May 23, 2008 :
Attorney Docket No. 211485-30001 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 3, 2008, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include evidence of a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1794 for action in its regular turn.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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CHICAGO, IL 60610-4746

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MAR 04 2009

OFFICE OF PETITIONS

In re Application of	:	
David Watzke, et al.	:	
Application No. 12/126,676	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 211485-30001	:	37 CFR 1.102(c)(1)
	:	

CORRECTED DECISION

This is a corrected decision on the petition under 37 CFR 1.102(c)(1), filed November 3, 2008, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes a declaration statement signed by applicant Maureen Watzke. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1794 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

STINSON MORRISON HECKER, LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY, MO 64106-2150

In re Application of
Henry Biggs, et. al.
Application No. 12/126,687
Filed: May 23, 2008
Attorney Docket No. 580099-0004

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed June 18, 2010.

The request is **APPROVED**.

The request was signed by Mark C. Young on behalf of himself and the attorneys/agents associated with Customer Number 27910. Therefore, Mark C. Young and all the attorneys/agents associated with Customer Number 27910 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

The request to change the correspondence address cannot be accepted since it is not of the first named signing inventor or the intervening assignee that complied with the requirements of 37 CFR 3.73(b)[1]. Since 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 CFR 3.71, all future communications from the Office will continue to be directed to the above listed address until otherwise properly notified by the applicant[2].

This application file is being referred to Technology Center Art Unit 3724, to await a response to the Office action mailed May 11, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE - SUITE 2800
SEATTLE, WA 98101-2347

[1] 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).

[2] The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

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TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

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JUN 0 2 2010

OFFICE OF PETITIONS

In re Application of	:	
Ruey-Wen LIU, et al	:	
Application No. 12/126,703	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 263302	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 9, 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 made by registered attorney John K. Winn, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2400.

The application is being forwarded to Technology Center Art Unit 2400 for action on the merits commensurate with this decision.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75211

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
SHARP, Clifford F. et al.	:	
Application No. 12/126,729	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO WITHDRAW
Attorney Docket No. **58895/P001CP1CP1/10111610**	:	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 March 19, 2010.

The request is **APPROVED**.

A review of the file record indicates that Thomas Kelton: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Thomas Kelton has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request was signed by Thomas Kelton on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn.

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the address below until otherwise properly notified by the applicant.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **DEEP NINES, INC.**
146343 DALLAS PARKWAY, SUITE 150
DALLAS TX 75254

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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PENGCHENG JIA
APT 205
442 WILBUR ROAD
THOUSAND OAKS, CA 91360

COPY MAILED

FEB 26 2009

OFFICE OF PETITIONS

In re Application of :
Pengcheng Jia et al :
Application No. 12/126,753 :
Filed: May 23, 2008 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition, filed February 5, 2009 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed June 5, 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 August 6, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The petition received on February 5, 2009 was signed by one (1) applicant, Pengcheng Jia. Communications received at the USPTO must be signed by all of the applicants. 37 CFR 1.33(b) states:

> "Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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PENGCHENG JIA
APT 205
442 WILBUR ROAD
THOUSAND OAKS, CA 91360

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MAY 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Pengcheng Jia et al	:	
Application No. 12/126,753	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 13, 2009, to revive the above-identified application.

The petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,767	05/23/2008	Jae Sung Lee	SDISHN.113C1	7144

20995 7590 07/11/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
07/11/2008	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):

jcartee@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of
Jae Sung LEE et al.
Application No.: 12/126,767
Filed: 23 May 2008
Attorney Docket No.: SDISHN.113C1

For: ORGANIC LIGHT EMITTING DIODE DISPLAY DEVICE AND DRIVING METHOD THEREOF

: 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 28 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
   ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above;
c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,776	05/23/2008	Brent R. Constantz	CLRA-001	7169

84221 7590 02/08/2010
Calera Corporation
Eric Witt
14600 Winchester Blvd.
Los Gatos, CA 95032

EXAMINER
SMITH, JENNIFER A

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
02/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@calera.com
ewitt@caleracorp.com
docket@bozpat.com

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Calera Corporation
Eric Witt
14600 Winchester Blvd.
Los Gatos CA 95032

FEB 08 2010

In re Application of	:	
Constantz et al.	:	DECISION ON PETITION
Application No. 12/126,776	:	TO MAKE SPECIAL UNDER
Filed: 5/23/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **CLRA-001**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/14/2009, 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.

Applicants remarks filed on 12/16/2009 have been considered and are deemed to be persuasive. The instant application has be reclassified into Class 588/252.000 which is eligible for the Green Technology pilot program.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of Scott Roy, et. al. Application No. 12/126,797 Filed: May 23, 2008 Attorney Docket No. 085804-716500	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed March 25, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on April 19, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

This application file is being referred to Technology Center Art Unit 2165 for examination in due course.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

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LIFE TECHNOLOGIES CORPORATION
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

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JUN 0 3 2010

OFFICE OF PETITIONS

In re Application of	:	
Linda G. Lee	:	
Application No. 12/126,813	:	DECISION ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. 4391-D2C3 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 2010 and May 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the final Office action mailed September 21, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on December 22, 2009. A Notice of Abandonment was mailed April 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper After-Final Amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110.00 extension of time fee submitted with the petition on April 12, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Further, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center 1637 for processing of the After-Final Amendment filed with the instant petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Victor Repkin
5791 Van Allen Way
Carlsbad, CA 92008

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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
William A. Parkyn

Application No. 12126843

Filed:

Attorney Docket No. 10066-001A

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 24-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.

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	12126843	Confirmation Number	7308	Filing Date	2008-05-23
Attorney Docket Number (optional)	10066-001A	Art Unit		Examiner	
First Named Inventor	William A. Parkyn				
Title of Invention	Linear Illumination Lens with Fresnel Facets				

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
David	G.	Pelka	

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	/Jerry Turner Sewell/	Date (YYYY-MM-DD)	2008-05-24
Name	Jerry Turner Sewell	Registration Number	31567

PTO/SB/130 (03-08)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/130 (03-08)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12126850	Confirmation Number	7323	Filing Date	2008-05-23
Attorney Docket Number (optional)	10066-002A	Art Unit		Examiner	
First Named Inventor	William A. Parkyn				
Title of Invention	Free-Form Lenses for Rectangular Illumination Zones				

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
David	G.	Pelka	

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	/Jerry Turner Sewell/	Date (YYYY-MM-DD)	2008-05-24
Name	Jerry Turner Sewell	Registration Number	31567

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of :
William A. Parkyn :

Application No. 12126850 :DECISION ON PETITION TO MAKE SPECIAL
Filed: :UNDER 37 CFR 1.102(c)(1)
:

Attorney Docket No. 10066-002A

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 24-MAY-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,866	05/24/2008	Felix P. Anderson	BUR920080176US1	7363

78419 7590 11/10/2008
IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City, UT 84109

EXAMINER
MENZ, LAURA MARY

ART UNIT	PAPER NUMBER
2813	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City, UT 84109

In re Application of: Felix P. Anderson et al. Serial No.: 12/126,866 Filed: May 24, 2008 Attorney Docket No.: BUR920080176US1 Title: ANNULAR DAMASCENE VERTICAL NATURAL CAPACITOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 24, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02.

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The pre-examination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.4; and conditions II.6.3, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.5, II.6.1, II.6.2 and II.6.5 above.

Regarding the conditions set forth in II.5 above, the search logic used in the Database Search of USPTO conducted on May 1, 2008 is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable interpretation, as set forth in II.5.2. The search logic is unduly limited to a "natural capacitor" while the claim is directed to a method for forming a capacitor. In addition, the search is unduly limited to the abstract whereas the entire disclosure of the documents should be searched. The search logic used in the Database Searches of esp@cenet and Google is likewise unduly limited. Any renewed petition should include a database search that is not limited to a "natural capacitor" and/or the abstract of the documents.

Regarding the conditions set forth in II.6 above, the accelerated examination support document (AESD) supplied by petitioner does not satisfy the requirements set forth in subsections 6.1, 6.2, and 6.5. The support document is required to discuss ***each reference*** cited on the IDS. The support document, however, discusses only two of the references cited on the IDS filed on May 24, 2008. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant should submit such references in a ***separate*** IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. ***Accordingly, applicant should provide an IDS listing only the two discussed references and should identify the IDS as part of the AESD***. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. See "IDS 3" in "Accelerated Examination FAQ's" available on the USPTO website at www.uspto.gov/web/patents/accelerated/.

Regarding the condition set forth in II.6.2 above, the support document is required to identify all the limitations in the claims that are disclosed by each reference and specify where those limitations are disclosed in the cited reference. The support document, however, fails to clearly identify the claim limitations that are disclosed by each of the references. For example, the support document states that Ng et al. (US 6,548,367) teaches with respect to limitation (a) of claim 1, "a vertical cylindrical capacitor 100" comprising "an outer metal cylinder 108 having a substantially cylindrical inner surface and an inner metal region 110 having a substantially cylindrical outer surface." However, limitation (a) of claim 1 comprises "forming a first set of concentric conductive annular structures in a first metal layer of an integrated circuit, the first set comprising a first electrode and a second electrode." It is not clear from applicant's description of the teachings of Ng et al. whether Ng et al. discloses "a first set of concentric conductive

annular structures in a first metal layer of an integrated circuit, the first set comprising a first electrode and a second electrode." The claim limitations that are disclosed by each of the cited references should be made clear.

Regarding the condition set forth in II.6.5 above, the examination support document supplied by the petitioner does not specifically show where ***each limitation of the claim*** finds support under 35 USC 112, first paragraph, in the written description of the specification. The support document indicates that support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraphs [0018]-[0022] and [0025]-[0026]. The support document, however, does not mention any specific claim limitation and show where support for that particular limitation can be found in the written description of the specification. The support document should identify ***each claim limitation*** and identify the specific paragraph(s) where adequate support under 35 USC 112, first paragraph, is found for that specific claim limitation.

Accordingly, the petition fails to meet conditions II.5, II.6.1, II.6.2 and II.6.5 for the reasons cited 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 available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

HP/JC

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,866	05/24/2008	Felix P. Anderson	BUR920080176US1	7363

78419 7590 12/23/2008
IBM Washington - Nelson and Nelson
2984 E. Evergreen Ave.
Salt Lake City, UT 84109

EXAMINER
MENZ, LAURA MARY

ART UNIT	PAPER NUMBER
2813	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Salt Lake City, UT 84109

In re Application of: Felix Anderson et al. Serial No.: 12/126,866 Filed: May 24,.2008 Docket No.: BUR920080176US1 Title: ANNULAR DAMASCENE VERTICAL NATURAL CAPACITOR	: : : : : : :	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 9, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

JD/JC

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ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE WI 53203

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OFFICE OF PETITIONS

In re Application of	:	
Joseph Roch	:	
Application No. 12/126,904	:	DECISION ON PETITION
Filed: May 25, 2008	:	TO WITHDRAW
Attorney Docket No. ROCH-NP-0508	:	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 27, 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 Jill Gilbert Welytok on behalf of attorney/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joseph Roch
3435 S. 1st Place
Milwaukee, WI 53207

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/126,904	05/25/2008	Joseph Roch	ROCH-NP-0508

CONFIRMATION NO. 7456

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

OC000000036776956

Date Mailed: 07/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/27/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

ONDA TECHNO Intl. Patent Attys.
12-1 Omiya-cho 2-chome
Gifu City 500-8-731 JP JAPAN

In re Application of	:	
Xue-Song Xu, et al.	:	
Application No. 12/126,943	:	DECISION ON PETITION
Filed: May 26, 2008	:	
Attorney Docket No.	:	
MT10509AK/P1P2010067US		

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 21, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 21, 2009. Accordingly, the date of abandonment of this application is December 22, 2009. The Notice of Abandonment was mailed January 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 10 2010

OFFICE OF PETITIONS

ABSOLUTE TECHNOLOGY LAW GROUP, LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

In re Application of Jeffrey Hulita Application No. 12/126,957 Filed: May 26, 2008 Attorney Docket No. HULITA-NP-0508	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed April 30, 2010.

The request is **APPROVED**.

The request was signed by Jill Gilbert Welytok on behalf of herself and all attorneys/agents associated with customer number 57520. Therefore, Jill Gilbert Welytok and all the attorneys/agents associated with customer number 57520 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed April 16, 2010 that requires a reply from the applicant.

All future communications from the Office will be directed to the sole inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Jeffrey Hulita
8445 S. 68th Street
Franklin, WI 53132

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/126,957	05/26/2008	Jeffrey Hulita	HULITA-NP-0508

CONFIRMATION NO. 7548

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

OC000000042007085

Date Mailed: 06/09/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/30/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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CANTOR COLBURN LLP-IBM YORKTOWN
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of Shinsuke Mori, et al. Application No. 12/126,980 Filed: May 26, 2008 Attorney Docket No. JP920040095US2	DECISION ON PETITION UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35

U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARVEY LUNENFELD
8 PATRICIAN DRIVE
EAST NORTHPORT, NY 11731

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JUL 10 2008

OFFICE OF PETITIONS

In re Application of	:	
LICHINCHI, Frank P.	:	
Application No. 12/127,008	:	DECISION ON PETITION
Filed: May 26, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **Trolley Hoist 2**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 26, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Frank P. Lichinchi attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3654 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON MA 02110

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NOV 0 3 2009

OFFICE OF PETITIONS

Applicant: Suzuki, et al.
Appl. No.: 12/127,056
Filing Date: May 27, 2008
Title: INFORMATION USAGE CONTROL SYSTEM, INFORMATION USAGE CONTROL DEVICE AND MEHTOD, AND COMPUTER READABLE MEDIUM
Attorney Docket: YKI.8860
Pub. No.: US 2009/0164697 A1
Pub. Date: June 25, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 1, 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 application wherein the title of the invention "Information Usage Control System, Information Usage Control Device And Method, And Computer Readable Medium" is misprinted as "Information Usage Control System, Information Usage Control Device And Mehtod, And Computer Readable Medium."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a 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.[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 1.76(b) and MPEP 601.

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 June 6, 2009, a Filing Receipt was mailed by the Office, which listed the title of the invention. 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 July 7, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WESTERMAN HATTORI DANIELS & ADRIAN LLP
1250 CONNECTICUT AVENUE NW
SUITE 700
WASHINGTON DC 20036

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Ueda, et al.	:	
Application No. 12/127,134	:	DECISION ACCORDING STATUS
Filed: May 27, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 081677	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 12, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On petition, petitioner has established that inventor Miura has refused to sign the application papers. Specifically, petitioner has attested that a copy of the application papers was fowarded to Miura on July 24, 2008, but as of the mail date of this decision, no executed declaration has been received.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YASUHIRO MIURA
5859-301
YAHO
KUNITACHI-SHI
TOYKO 186-0011 JAPAN

COPY MAILED

OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of
Ueda, et al.
Application No. 12/127,134
Filed: May 27, 2008
Title: Fluid Dynamic Bearing, Fluid Dynamic Bearing-Type Disc Drive, and Method of Manufacturing Fluid Dynamic Bearing

LETTER

Dear Mr. Miura:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

COPY MAILED
JAN 14 2010

In re Application of	:	
Jason M. STEPHENS et al	:	
Application No. 12/127,141	:	DECISION ON PETITION
Filed: May 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 307-880008US	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 11, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without

traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 5 as explained below.

In regard to item 5, it is noted that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Olisa Anwah at 571-272-6051.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

Ramesh Krishnamurthy
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,141	05/27/2008	JASON M. STEPHENS	90307-88008US	7920

38790 7590 02/16/2010
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

EXAMINER
AYAD, TAMIR

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@splglaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

FEB 16 2010

In re Application of	:	
Stephens et al.	:	DECISION ON PETITION
Application No. 12/127,141	:	TO MAKE SPECIAL UNDER
Filed: 5/27/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **90307-88008US**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 2/4/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,165	05/27/2008	Justin P. Bandholz	RPS920070280US2	7959

59369 7590 06/18/2008
CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
LE, DON P

ART UNIT	PAPER NUMBER
2819	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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062008

CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of: Justin P. Bandholz et al. Serial No.: 12/127,165 Filed: May 27, 2008 Docket Number: RPS920070280US2 Title: BI-DIRECTIONAL UNIVERSAL SERIAL BUS BOOSTER CIRCUIT	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 27, 2008, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to M.P.E.P. §812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, the application retains its special status after the filing of an RCE.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/10/2010

Applicant	: Lars Risbo	: DECISION ON REQUEST FOR
Patent Number	: 7626519	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/127,173	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/27/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

MAILED

APR 14 2009

OFFICE OF PETITIONS

PATENT INGENUITY, PC
520 BROADWAY
SUITE 350
SANTA MONICA CA 90401

In re Application of	:	
Michael D. Frick et al.	:	
Application No. 12/127,220	:	DECISION ON TWO PETITIONS
Filed: May 27, 2008	:	PURSUANT TO
Attorney Docket No. IGA-0350-US	:	37 C.F.R. §§ 1.28(c)
Title: SUBSET PARTIAL MATCH	:	AND 1.181(A)
PRIZE CATEGORY	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 30, 2008. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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).

This is also a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on March 18, 2009.

The petition pursuant to 37 C.F.R. § 1.28(c):

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 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 pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

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.

The petition pursuant to 37 C.F.R. § 1.181(a):

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed June 6, 2008, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 7, 2008. A notice of abandonment was mailed on February 12, 2009.

With this petition, Petitioner has alleged that a response was timely filed on December 30, 2008, concurrently with a request for a five-month extension of time.

The electronic file has been reviewed, and both a "RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION" and a fully executed declaration have been located in the same. It is clear that these submissions were received on December 30, 2008. Moreover, Office records reflect the receipt of both the fee that is associated with the late submission of an oath or declaration and the fee that is associated with the filing of a request for a five-month extension of time on December 30, 2008.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be

directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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.
12/127,255	05/27/2008	Edward J. Grenchus	END920070486US1	8137

77350 7590 10/01/2008
JACKSON PATENT LAW OFFICE
211 N. UNION STREET
SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
10/01/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Jerome Jackson
Jackson Patent Law Office
211 N. Union Street
Suite100
Alexandria VA 22314

In re Application of:
Carter et al.
Serial No.: 12/127255
Filed: May 27, 2008
Docket: END920070486US1
For: **SYSTEMS AND METHODS OF TRANSFERRING COMPUTER HARDWARE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 27, 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, and II 6.1 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy should be modified to include reasonable number of synonyms. Here is an example search strategy that would complete this requirement.

1) (test$3 poll$3 attempt$3) with (old recycl$3 out$1dat$2 out near2 date antiquat$3) with (computer device laptop PC server client) with (pass$1word pass$1code pass$1phrase)

2) (test$3 poll$3 attempt$3) with (computer device laptop PC server client) with (bios start$1up power$1on power$1up POST CMOS disk disc hard near drive hard near (disc disk) HDD) near (pass$1word pass$1code pass$1phrase)

3) (test$3 poll$3 attempt$3) with (computer device laptop PC server client) with (recycl$3 refurbish$4 re$1sold repair$3 re$1us$3) and (bios start$1up power$1on power$1up POST CMOS disk disc hard near drive hard near (disc disk) HDD) near (pass$1word pass$1code pass$1phrase)

Or is the default operator. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 705/50, 53, 54, 56, 710/200, 713/2, 183, 192, 719/313, 321, 327 and 726/16, 17, 34 and 35 for subject matter related to unblocking access to circuitry. This additional search area was confirmed with an examiner in the pertinent art area.

[1] MPEP 8th ed. rev 5 August 2006

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is QAS Kim Huynh whose number is (571)-272-4147.

/Tod R Swann/

Tod R Swann
Quality Assurance Specialist
Technology Center 2100

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JAN 29 2009

TECHNOLOGY CENTER 2100

JACKSON PATENT LAW OFFICE
211 N. UNION STREET
SUITE 100
ALEXANDRIA VA 22314

In re Application of:
GRENCHUS, Edward J. et. al.
Serial No.: 12/127,255
Filed: May 27, 2008
Docket: END920070486US1
For: **Systems and Methods of Transferring Computer hardware**

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 renew petition filed on November 01, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The original petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d), submitted on May 27, 2008 was dismissed in the decision mailed on October 01, 2008.

Renew petition filed November 01, 2008 in response to the dismissed decision mailed October 01, 2008, has been considered and found to meet requirements of Condition II. 5.2.

Namely, section Pre-examination Search 8(A) now includes: (i) only U.S. Field of Search, Class/subclass 726/16, 17 and 34 (on page 2 thereof) among other recommended class/subclasses in order to provide full coverage of where the most pertinent references are most likely to be found and (ii) recommended text search logic shown as additional Delphion search L8-L9 on page 6, Dialog Link at search 3.1 on page 17, and FAMPAT search at 4.1 on page 26. Petitioner notes that in response to Decision mail October 01, 2008, Applicant's have browsed class 726/16, 17 and 34, individually in their entirety.

Updated search conducted pursuant to the decision on Petition mailed October 01, 2008 was conducted, however no new prior art deemed most closely related to the claimed subject matter was found.

Petitioner further clarifies that the Delphion and FAMPAT text search cited on page 3 et seq. cover all USPTO classes and subclass including recommended Class 705/50, 53, 54, 6, 710/200, 713/2, 189, 192, 719/313, 321, 327 and 726/16, 17, 37 and 35.

Petitioner further states that in view of the claimed subject matter, and search and study performed prior to May 27, 2008, no further classification search is necessary. Petitioner states that he/she does not entirely understand the recommendation of 15 subclasses specified in the October decision because the total document count of 7,983

could not be browsed by an Examiner in the allotted time at the USPTO and a number of those subclass areas are irrelevant to the claimed subject matter.

It is still believed that the suggested search is pertinent to the claimed invention for example Class 705 subs 53, 54 and 56 deal with access control with more than nominal use of cryptography and the claimed invention with access control through the use of passwords. As relevant art exists that uses more than nominal cryptograph for access control that includes access control with passwords this search area is relevant. A proper search strategy is developed to include art areas that are drawn to the claimed invention plus analogous. The areas that include the art areas of the claimed invention includes art areas drawn to just the claimed invention and art areas that include additional elements while including the claimed elements. Each of the areas identified by applicant and not searched have been reviewed and all are still deemed to be relevant to the claimed invention.

The totality of the text search strategy and class and subclass search completed has been reevaluated and does meet the requirements for granting special status despite the attorney's failing to complete the recommended relevant suggested search strategy.

The renew petition to make the application special is **GRANTED** as the Supplemental Accelerated Support Document filed November 03, 2008 meets the requirements of conditions II 5.2 that were noted deficient in the renew 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)

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is WQAS Kim Huynh at (571) 272-4147.

/bp/

QAS Tod Swann
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,255	05/27/2008	Edward J. Grenchus	END920070486US1	8137

77350 7590 01/30/2009
JACKSON PATENT LAW OFFICE
211 N. UNION STREET
SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Boyle Fredrickson S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203

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APR 0 9 2009

OFFICE OF PETITIONS

In re Application of
Laurie E. Locascio et al.
Application No. 12/127,328
Filed: May 27, 2008
Attorney Docket No. 1882.001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael J. Gratz on behalf of all attorneys/agents associated with customer number 23598. All attorneys/agents associated with customer number 23598 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted. Compliance with 37 CFR 3.73(b) has not been met.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Laurie E. Locascio
14724 Latakia Place
North Potomac, MD 20878

cc: National Institute of Standards and Technology
100 Bureau Drive, Stop 2200
Gaithersburg, MD 20899-2200

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/127,328	05/27/2008	Laurie E. Locascio	1882.001

CONFIRMATION NO. 8264

POWER OF ATTORNEY NOTICE

23598
BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

OC000000035407450

Date Mailed: 04/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/17/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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IP & T Law Firm PLC
7700 Little River Turnpike, Suite 207
Annandale, VA 22003

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Jong Kuk KIM, et *al.*	:	
Application No. 12/127,340	:	DECISION GRANTING PETITION
Filed: May 27, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **2007-OPH-3825**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 26, 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 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2893 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,364	05/27/2008	Kouichi YAMAGUCHI	9982-58US (1407US)	8328

7590 09/24/2009
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER
PATEL, ISHWARBHAI B

ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
09/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2009 NFARMER
05/28/2008 INTEFSH 00011092 501017 12127364
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE WI 53203

MAILED

JUN 30 2010

OFFICE OF PETITIONS

In re Application of	:	
WALTERS, Rose	:	
Application No. 12/127,409	:	DECISION ON PETITION
Filed: May 27, 2008	:	TO WITHDRAW
Attorney Docket No. **WALTERS-NP-0508**	:	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 02, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Jill G. Welytok on behalf of all attorneys of record who are associated with customer No. 57520. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Rose Walters at the address indicated below.

There is an outstanding Office action mailed April 13, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROSE WALTERS**
S64 W15048 GARDEN TERRACE
MUSKEGO, WI 53150

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,430	05/27/2008	Kristin M. Hazlewood	AUS920080344US1	8442

82294 7590 02/05/2009
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER
HUTTON, DOUG

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
02/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Omaha NE 68154

In re Application of: HAZLEWOOD, KRISTIN M. ET AL. Serial No.: 12/127,430 Filed: May 27, 2008 Docket: AUS920080344US1 Title: DIFFERENCE ONLY DOCUMENT SEGMENT QUALITY CHECKER	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 27, 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 through II.4, II.5.1, II.5.3, II.6.1, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.2, II.6.3, II.6.4 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding MPEP§ 708.02(a)(I.)(H)(1) and item 5.2 above, 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. With respect to the database searches, the search logic appears to be drawn solely to the broad concept of partial spell checking without encompassing the features of the claims. While the spell checking concept may be relevant to the claimed invention, the search logic does not consider any of the actual claim limitations of both claims 1 and claim 2 (such as the "tracking means", "dictionary and language user guides", and "preserving user changes" in claim 1 and "revisions", "changed user selected document", and "difference between user selected document and said changed user selected document" in claim 2) or any search terms covering these limitations do not appear to have been included in the search. Further, the concept search does not include other synonyms or similar concepts in the search logic to cover the spell checking concept. Petitioner should review all claim limitations to ensure that the search covers these concepts and update the search and/or provide any clarifications as deemed necessary. Correction is required.

Moreover, a quick database search in EAST with the query: (spell NEAR (check or checker or checking)) SAME (part OR partial OR partially OR portion OR portions OR section OR sections OR segment OR segments) by the undersigned, yielded 621 documents. Therefore, it is not clear if the returned documents, for the first query in the preexamination search document on pages 2-3, are a complete listing or a partial listing of documents returned based on the query. Clarification is requested. With respect to the database search including the foreign references on pages 4-24, it is not clear to what extent these documents were reviewed. Clarification is requested.

In addition, the Petitioner should review the Identification of Limitations Disclosed by the References and Detailed Explanation of Patentability section in view of any updated search and/or clarifications and provide clarifications, as necessary, to ensure compliance with the requirement of MPEP§ 708.02(a)(I.)(I)(2)(3) and items 6.2 and 6.3 above.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(2) and item 6.2 above, for each reference cited, the accelerated examination support document must include **an identification of all the limitations** in the claims that are disclosed by the reference **specifying where the limitation is disclosed in the cited reference.** The accelerated examination support document does not identify any limitations in the claim and does not specify with particularity where the reference discloses the limitations. Petitioner has broadly stated what each of the references discloses, but does not reference any of the claim limitations for each of claim 1 and claim 2. Further, the Petitioner does not identify by page and line number or paragraph number where each limitation of claim 1 and claim 2 may be found in each of the cited references. The petitioner should

separately map each limitation for each of claims 1 and 2 to the cited references in order to meet the requirements of MPEP § 708.02(a)(I.)(I)(2) and item 6.2 above. Correction is required.

Regarding the requirement of MPEP§ 708.02(a)(I.)(I)(3) and item 6.3 above, 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 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."

Regarding item 6.3 above, Petitioner makes a general allegation that the claims define a patentable invention without specifically pointing out **how the language of the claims** patentably **distinguishes** them **from the references** which does not comply with the requirements of this section. Petitioner does not 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, as required by 37 CFR 1.111(c). On page 3 of the support document, the Petitioner states, "the present disclosure comprises means for tracking changes and spell checking is only processed on the changes, i.e. differences" is not taught by any of the references; however, the Petitioner fails to specify how the claimed features of each of claim 1 and claim 2 distinguish from the references deemed to be "most closely related". The petitioner should **separately emphasize for both claim 1 and claim 2** how the limitations distinguish from the references deemed to be "most closely related". Correction is required.

Further, the statement of patentability does not provide a detailed explanation of how both claims 1 and 2 are patentable with the particularity required by 37 CFR 1.111(b) and 37 CFR 1.111(c). The petitioner does not point out how the claim is patentable (i.e. neither anticipated nor obvious) over the references, either individually or in combination with each other. Correction is required.

Regarding the requirement of MPEP§ 708.02(a)(I.)(I)(4) and item 6.4 above, the Petitioner fails to make a concise statement of the utility of the invention as defined in each of the independent claims. Correction is required.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document must specifically point out where each limitation in both claims 1 and 2 finds support in the specification. The petitioner cites figure 1 as supporting the preamble and first limitation of claim 1; however, it is not clear how figure 1 is relevant to the claim language. Clarification is required. Further, while it appears the Petitioner has mapped the limitations to the specification, for clarity, petitioner should refer to each claim number in the mapping.

For these reasons, the petition does not meet the requirement of MPEP § 708.02(a).

Thus, the petition does not meet the conditions II.5.2, II.6.2, II.6.3, II.6.4 and II.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 the undersigned at (571) 272-3719.

for

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,430	05/27/2008	Kristin M. Hazlewood	AUS920080344US1	8442

82294 7590 04/07/2009
IBM CORPORATION (ACCSP)
c/o Suiter Swantz pc llo
14301 FNB Parkway, Suite 220
Omaha, NE 68154

EXAMINER
HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
04/07/2009	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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14301 FNB Parkway, Suite 220
Omaha NE 68154

In re Application of: HAZLEWOOD, KRISTIN M. ET AL. Serial No.: 12/127,430 Filed: May 27, 2008 Docket: AUS920080344US1 Title: DIFFERENCE ONLY DOCUMENT SEGMENT QUALITY CHECKER	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 March 5, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

As discussed in a telephone conversation on March 10, 2009 with Sean Patrick Suiter, the Petitioner must file two separate Information Disclosure Statements in order to clarify that the Schultz reference is **not in support of the petition**. The first IDS should list references considered to be "in support of the petition" (i.e. Mogilevsky and Tunning). The second IDS should list references considered to be "not in support of the petition" (i.e. Shultz).

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 pre-viously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Mano Padmanabhan/
For

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Martin Versen, et al.	:	DECISION ON PETITION
Application No. 12/127,458	:	TO WITHDRAW
Filed: May 27, 2008	:	FROM RECORD
Attorney Docket No. QIM 2007 P 52671 US	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 17, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 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).

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 the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTN: PATENT DOCKETING ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Gould et al.	:	DECISION ON PETITION
Application No. 12/127,461	:	TO WITHDRAW
Filed: May 27, 2008	:	FROM RECORD
Attorney Docket No. 8285-971	:	

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 5, 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 was signed by Scott W. Brim on behalf of all practitioners of record associated with Customer Number 83808. The request cannot be approved since all practitioners of record were not appointed by Customer Number 83808. Accordingly, any subsequent request must reflect the withdrawal of practitioners in the same manner as appointed power of attorney.

Further, Petitioner should note that the Office will only accept correspondence address changes to the most current address information provided the assignee of the entire interest who properly became of record under 37 CFR 3.71, 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 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 will be accepted.

The correspondence address will remain unchanged since the address provided with the petition herein is the same as the current address of record.

There are no outstanding Office actions that require a reply from the applicant.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SCOTT W. BRIM
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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BEDMINSTER NJ 07921

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JUN 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Glen E. GOULD et al.	:	
Application No. 12/127,461	:	DECISION ON PETITION
Filed: May 27, 2008	:	
Attorney Docket No. A00363CON5 (40147/17801)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 17, 2009. Accordingly, the date of abandonment of this application is December 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Publishing Division for processing into a patent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,485	05/27/2008	Frank Lawrence Jania	RSW920080265US1(19638009)	8543

79395 7590 07/02/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
07/02/2008	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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JUL 01 2008

TECHNOLOGY CENTER 3600

MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re application of	:	**DECISION ON PETITION**
Jania et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/127,485	:	**NEW APPLICATION**
Filed: May 27, 2008	:	**UNDER 37 CFR 1.102**

For: SYSTEM FOR EFFECTIVE MEETING INVITEE RESPONSE STATUS

This is a decision on the petition filed on May 27, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims 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 conditions II.5.1, II.5.2, II.6.2, and II.6.5.

Regarding Condition II.5.1, it is required that Applicant's search 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. Applicant did not search most of the database files required by the search template. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/8. Looking toward the available search templates and recommended areas of search for class 705/8 (see http://www.uspto.gov/web/patents/searchtemplates/class705-008.htm) some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files. A comprehensive list of recommended database files is found on the 705/8 search template web page as well. Especially relevant to the claimed subject matter are database files such as:

ABI/INFORM
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Examiner's Electronic Digest Database
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

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. While Applicant conducted good

searches, Applicant did not search all of the claimed features. In particular, Applicant did not search the features he indicated as patentable such as: "the amount of invited participants who have accepted the invitation to the scheduled event, declined the invitation to the scheduled event or have not yet responded to the invitation." It is important that Applicant more thoroughly search these features in order to make a patentability determination with greater confidence.

A recommended search query for the above features that may be executed in all databases of East is as follows:

> L1 ((schedule$1 or calendar$1 or meeting$1 or event$1) near4 (rsvp$1 or respon$4 or repl$4 or answer$3)) and ((rsvp$1 or respon$4 or repl$4 or answer$3) near4 (status$2 or amount$1 or quantit$3 or number$1 or people or invite$2) near4 (accept$3 or yes)) and ((rsvp$1 or respon$4 or repl$4 or answer$3) near4 (status$2 or amount$1 or quantit$3 or number$1 or people or invite$2) near4 (declin$3 or no))

Please keep in mind that this is a non-limiting search suggestion and is only meant to serve as a possible starting point for Applicant's preexamination search for the specific feature of "the amount of invited participants who have accepted the invitation to the scheduled event, declined the invitation to the scheduled event or have not yet responded to the invitation." 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/ Applicant is expected to perform more supplemental searches than the sample search query listed above.

Further regarding Condition II.5.2, on page 2 of the Preexamination Search Document, Applicant provides, for example, the following search strategy:

> L6 ((event or meeting) near2 (schedul$3 or setting or setup or book$3 or plan$4)) and (6 or 7 or 8 or 9 or 10)

Presumably "(6 or 7 or 8 or 9 or 10)" refer to "L numbers." If they are "L numbers" and if the search strategy truly reflected the order in which the searches occurred, then L7-L10 would not have existed yet. Moreover, the search is self-referential in that L6 is "AND"-ed with L6. Therefore, it appears that the use of "(6 or 7 or 8 or 9 or 10)" would not have added any benefit to the search query and therefore, would not have contributed towards the searching of the claimed features.

Regarding Condition II.6.2, Applicant fails to map out each claim limitation to all of the references cited on the submitted Information Disclosure Statements. For example, in section 9(B) of the Accelerated Examination Support Document labeled "Identification of Limitations Disclosed by References," Applicant asserts that Nguyen does not have direct correlation to the displaying limitation. Yet, in

section 9(C) labeled "Detailed Explanation of Patentability," Applicant provides several pertinent citations to paragraphs and figures in Nguyen in Applicant's discussion of the displaying limitation.

As per Condition II.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 is required. Applicant only mapped out support from the disclosure of the instant application for claim 1 as whole. Such a mapping should be performed separately for each limitation.

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 at (571) 272-6633, or C. Michelle Tarae at (571) 272-6727, both Business Practice Specialists.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/CMT/6/27/08

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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.
12/127,485	05/27/2008	Frank Lawrence Jania	RSW920080265US1(19638009)	8543

79395 7590 09/24/2008
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
09/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 24 2008

TECHNOLOGY CENTER 3600

MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

In re application of
Jania et al.
Application No. 12/127,485
Filed: May 27, 2008
For: SYSTEM FOR EFFECTIVE MEETING INVITEE RESPONSE STATUS

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on August 1, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on May 27, 2008. That petition was dismissed in a decision mailed July 02, 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 Search Document filed August 1, 2008, applicant has successfully remedied the issues raised in the dismissal with respect to the search query and the search including the patentable features. However, issues regarding the recommended databases from the search template have not been addressed in the reply filed August 1, 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 a link to the specific search template associated with the classification of the application, where the specific search template lists several files which are recommended for the template search. The dismissal further provided a list of several of the files indicated in the search template. Some of especially relevant databases which were identified were:

ABI/INFORM

Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Examiner's Electronic Digest Database
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts

It is noted that the nature of business methods applications requires a thorough search in non-patent literature pertinent to the features of the invention. The Dialog files listed in the search templates have been grouped according to their business and technology-related content and identified as having subject matter relevant and pertinent to their associated USPTO classification. As such, a search of the databases identified in the template associated with the classification of the invention is considered an important search.

Since applicant has not added any of the recommended relevant databases which have been indicated by the USPTO as pertinent and relevant, in the search, nor have alternative files of an equivalent character and coverage been searched, Condition II.5.1 has not been satisfied.

Furthermore, the applicant has also failed to include a justification statement for the elimination of the recommended databases which justifies with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources.

In regards to the issues raised regarding the originally filed Support Document, a new support document has not been filed with the reconsideration for these issues, and the deficiencies have not been sufficiently addressed by the request for reconsideration filed August 1, 2008. The applicant has made a blanket statement that all conditions and requirements have been met, however has failed to specifically address the deficiencies as pointed out in the dismissal, mailed July 2, 2008.

Specifically, the dismissal indicated that the applicant failed to map out each claim limitation to all of the references cited in the submitted Information Disclosure Statements. The dismissal stated that in section 9(b) of the Accelerated Examination Support Document labeled "Identification of Limitations Disclosed by References," Applicant asserts that Nguyen does not have direct correlation to the displaying limitation. Yet, in section 9(c) labeled "Detailed Explanation of Patentability," Applicant provides several pertinent citations to paragraphs and figures in Nguyen in Applicant's discussion of the displaying limitation. The applicant has failed to address this deficiency in the request for reconsideration, and Condition II.6.2 has not been satisfied.

The dismissal further indicated that the support document failed to 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 is required. The applicant only mapped out support from the disclosure of the instant application for claim 1 as a while, and such mapping should be performed on each limitation. Applicant has failed to address or fix this deficiency in the request for reconsideration as well and Condition II.6.5 has not been satisfied.

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 Robert Weinhardt at (571) 272-6633, Business Patent Specialist C. Michelle Tarae at (571) 272-6727 or Primary Examiner Jamisue Plucinski at (571) 272-6811.

C. Michelle Tarae for

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/JP/9/24/08

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May 28, 2009

Charles E. Cantine
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

Patent No.: 7,517,260 B2
Application No.: 12/127,488
Inventor(s): Glenn J. Luzzi
Issued: April 14, 2009
Title: **MULTIPLE BORE TERMINATION SYSTEM**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 756-1591

vt

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/127,508	05/27/2008	Luis M. Ortiz	1000-2207	8579

64064 7590 06/09/2010
ORTIZ & LOPEZ, PLLC
P.O. BOX 4484
ALBUQUERQUE, NM 87196-4484

EXAMINER
PONOMARENKO, NICHOLAS

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
06/09/2010	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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ORTIZ & LOPEZ, PLLC
P.O. BOX 4484
ALBUQUERQUE NM 87196-4484

In re Application of	:	
ORTIZ et al.	:	DECISION ON PETITION
Application No. 12/127,508	:	TO MAKE SPECIAL UNDER
Filed: 27 May 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1000-2207	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 27 May 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition

must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 3 and 8.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 8, petitioner should note that publication fee as set forth in 37 CFR 1.18(d) has not been received.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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MAIL

DEC 09 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LOUIS PAUL HERZBERG
3 CLOVERDALE LANE
MONSEY NY 10952

In re Application of ICHIKAWA, OSAMU Application No. 12/127,573 Filed: May 27, 2008 Attorney Docket No. JP920040011US2	: : : : : : :	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 14, 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