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OCT 10 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of KANNO, HIROSHI Application No. 12/147,070 Filed: June 26, 2008 Attorney Docket No. 074782-0040	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 20, 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

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LEVINE & MANDELBAUM
222 Bloomingdale Road
Suite 203
WHITE PLAINS NY 10605

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of :
Jung :
Application No. 12/147,071 :
Filed: June 26, 2008 :
Attorney Docket No. JISU0270US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed February 16, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/147,091	06/26/2008	Hiroshi Kanno	074782-0041	6320

53080 7590 11/26/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

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

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

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McDermott, Will & Emery LLP
600 13th Street, N.W.
Washington DC, 20005-3096

In re Application of
Hiroshi Kanno
Application No.: 12/147,091
Filed: 06/26/2008
Attorney Docket No.: 074782-0041

For: DIFFERENTIALLY-FED VARIABLE DIRECTIVITY SLOT ANTENNA

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 25 September 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

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

CONCLUSION

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

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

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571-272-2044.

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

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

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/147,112	06/26/2008	Jae Hyung Song	2080-3612	6360

35884 7590 10/26/2009
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER
VU, HUY DUY

ART UNIT	PAPER NUMBER
2461	

NOTIFICATION DATE	DELIVERY MODE
10/26/2009	ELECTRONIC

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

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

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

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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Lee, Hong, Degerman, Kang & Waimey
660 S. Figueroa Street, Suite 2300
LOS ANGELES CA 90017

In re Application of: Jae Hyung Song, et al.
Application No. 12/147112
Filed: June 26, 2008
For: **DIGITAL BROADCAST SYSTEM FOR TRANSMITTING/RECEIVING DIGITAL BROADCAST DATA, AND DATA PROCESSING METHOD FOR USE IN THE SAME**

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

MAILED

OCT 23 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 10, 2009 to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);

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

(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

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

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

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

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

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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LEE HONG DEGERMAN KANG & WAIMEY
660 S, FIGUEROA STREET
SUITE 2300
LOS ANGELES, CA 90017

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of :
Jae Hyung Song et al :
Application No. 12/147,112 : ON PETITION
Filed: June 26, 2008 :
Attorney Docket No. 2080-3612

This is a decision on the petition, filed June 22, 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 April 22, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2461 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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222 Bloomingdale Road
Suite 203
WHITE PLAINS NY 10605

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MAY 21 2010

OFFICE OF PETITIONS

In re Application of
Jung
Application No. 12/147,128
Filed: June 26, 2008
Attorney Docket No. JISU0280US

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed February 16, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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JERAMIE J. KEYS
P.O. BOX 71355
MARIETTA GA 30007-1355

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JUL 2 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Frerking et al.	:	DECISION ON PETITION
Application No. 12/147,147	:	TO WITHDRAW
Filed: June 26, 2008	:	FROM RECORD
Attorney Docket No. 01055.CON3	:	

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 26, 2009.

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

A review of the file record indicates that on June 17, 2009 the power of attorney was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: AT&T Legal Department – SZ
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

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JUN 17 2010
OFFICE OF PETITIONS

Civins Denko Coburn & Lauff LLP
816 Congress Suite 1205
Austin TX 78701

In re Application of
Cady, et al.
Application No. 12/147,218
Filed: June 26, 2008
Attorney Docket No. 21260-0067002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed April 20, 2010.

The petition is GRANTED.

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Due mailed December 17, 2009. The notice set a statutory period for reply of three-months from its mailing date. A response was not received within the allowable period and the application became abandoned on February 18, 2010. A Notice of Abandonment was mailed on April 5, 2010.

The issue fee and publication fee were received on April 20, 2010.

The request to change the correspondence address of record, filed April 20, 2010, is noted and made of recod.

The application file is being directed to the Office of Data Management for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Client 21058
c/o DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Xing Su et al.	:	
Application No. 12/147,243	:	DECISION ON PETITION
Filed: June 26, 2008	:	TO WITHDRAW
Attorney Docket No. 21058/1206749-US1	:	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 10, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Marie Collazo on behalf of all attorneys/agents associated with customer number 75172. All attorneys/agents associated with customer number 75172 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Intel Corporation
2200 Mission College Boulevard
Santa Clara, CA 95054

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/147,243	06/26/2008	Xing Su	21058/1206749-US1

CONFIRMATION NO. 6587

POWER OF ATTORNEY NOTICE

OC000000037479536

75172
Client 21058
c/o DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

Date Mailed: 08/24/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/10/2009.

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

/kainabinet/

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

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

MAILED

MAY 18 2010

OFFICE OF PETITIONS

In re Application of :
Ronald FLOWERS, JR. :
Application No. 12/147,320 : DECISION ON PETITION
Filed: June 26, 2008 : TO WITHDRAW
Attorney Docket No. 22939-0002001 FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 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).

Any request to withdraw the attorneys from record should include the same designation used to appoint the attorneys of record. In this regard, the Request cannot be approved because the attorneys of record were not appointed through the use of a Customer Number, as indicated.

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

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

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

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JUN 28 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Ronald FLOWERS, JR.	:	
Application No. 12/147,320	:	DECISION ON PETITION
Filed: June 26, 2008	:	TO WITHDRAW
Attorney Docket No. 22939-0002001	:	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 4, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jack Brennan 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 correspondence address for future communications from the Office has been changed and the new correspondence address is the address first copied below.

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

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

cc : RONALD FLOWERS, JR.
4437 ALLA ROAD, UNIT 4
MARINA DEL REY CA 90292

cc: JACK BRENNAN
FISH & RICHARDSON, PC
601 LEXINGTON AVENUE, 52ND FLOOR
NEW YORK, NY 10022

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/147,320	06/26/2008	Ronald Flowers, JR.	22939-0002001

CONFIRMATION NO. 6720

POWER OF ATTORNEY NOTICE

26211
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000042313069

Date Mailed: 06/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/04/2010.

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

/dcgoodwyn/

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

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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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NOV 28 2008

In re Application of	:	
LANGSTON, J. William	:	
Application No. 12/147,402	:	DECISION ON PETITION
Filed: June 26, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **16816-706.501**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 30, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification of attorney Anie K. Roche attesting to the age of inventor James William Langston. 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 571-272-1600.

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 1632 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of
Xing Su et al.
Application No. 12/147,440
Filed: June 26, 2008
Attorney Docket No. 21058/1206749-US2

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Marie Collazo on behalf of all attorneys/agents associated with customer number 75172. All attorneys/agents associated with customer number 75172 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: Intel Corporation
2200 Mission College Boulevard
Santa Clara, CA 95054

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/147,440	06/26/2008	Xing Su	21058/1206749-US2

CONFIRMATION NO. 6945

POWER OF ATTORNEY NOTICE

75172
Client 21058
c/o DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

OC000000037479488

Date Mailed: 08/24/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/10/2009.

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

/kainabinet/

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

PTO/SB/130 (03-08)
Approved for use through 07/31/2008. 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	12/147,472	Confirmation Number	7012	Filing Date	2008-06-27
Attorney Docket Number (optional)	043829.011700	Art Unit		Examiner	
First Named Inventor	Chandra Sekar				
Title of Invention	METHODS FOR MANUFACTURING A PAINT ROLLER WITH GROOVED SUBSTRATE				

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
Chandra		Sekar	

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

Select (1) or (2) :

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

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

Signature	/Richard E. Kurtz/	Date (YYYY-MM-DD)	2008-07-18
Name	Richard E. Kurtz	Registration Number	33936

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Chandra Sekar

Application No. 12147472

Filed: June 26,2008

Attorney Docket No.

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 18-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Application of
Chandra Sekar

Application No. 12147476

Filed: June 26,2008

Attorney Docket No.

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 18-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

PTO/SB/130 (03-08)
Approved for use through 07/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/147,476	Confirmation Number	7025	Filing Date	2008-06-27
Attorney Docket Number (optional)	043829.011600	Art Unit		Examiner	
First Named Inventor	Chandra Sekar				
Title of Invention	METHODS FOR MANUFACTURING A PAINT ROLLER WITH PERFORATED SUBSTRATE				

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
Chandra		Sekar	

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

Select (1) or (2) :

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

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

Signature	/Richard E. Kurtz/	Date (YYYY-MM-DD)	2008-07-18
Name	Richard E. Kurtz	Registration Number	33936

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

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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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/147,597	06/27/2008	Payal Chakravarty	BUR920080266US1	7212

46428 7590 02/02/2009
CANTOR COLBURN LLP-IBM BURLINGTON
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
2129	

NOTIFICATION DATE	DELIVERY MODE
02/02/2009	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):

usptopatentmail@cantorcolburn.com

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN LLP-IBM BURLINGTON
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: Payal Chakravarty Serial No.: 12/147,597 Filed: June 27, 2008 Docket: BUR920080266US1 Title: CALENDAR BASED PERSONALIZED RECOMMENDATIONS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 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 GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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

COPY MAILED

DEC 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
James M. Keegan	:	DECISION ON PETITION
Application No. 12/147,607	:	TO WITHDRAW
Filed: June 27, 2008	:	FROM RECORD
Attorney Docket No. 70465.00085	:	

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 November 5, 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.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DEC 02 2009

OFFICE OF PETITIONS

ADVANTEDGE LAW GROUP, LLC
922 W. BAXTER DR.
SUITE 100
SOUTH JORDAN UT 84095

In re Application of	:	
McCorkendale et al.	:	
Application No. 12/147,700	:	DECISION GRANTING PETITION
Filed: June 27, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 4001-0198	:	

This is a decision on the petition, filed September 29, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 22, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 11, 2010 accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2189 for examination in due course.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/147,700	06/27/2008	Bruce McCorkendale	4001-0198

CONFIRMATION NO. 7398

81877
ADVANTEDGE LAW GROUP, LLC
922 W. Baxter Dr.
Suite 100
South Jordan, UT 84095

NONPUBLICATION RESCISSION LETTER

OC000000039048129

Date Mailed: 12/02/2009

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

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

The projected publication date is 03/11/2010.

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

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

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

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

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

/jolszewski/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/147,702	06/27/2008	Ju Y. Lee	RSW920080275US1 (3044)	7401

78290 7590 11/03/2008
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
11/03/2008	PAPER

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

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

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

In re Application of:
Ju Y. Lee
Serial No.: 12/147702
Filed: June 27, 2008
Docket: RSW920080275US1 (3044)

Title: DYNAMIC ONTOLOGY-DRIVEN TEMPLATE SELECTION

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

This is a decision on the petition filed on June 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 **DENIED**.

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete.

The Notice to File Missing Parts mailed on July 3, 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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United States Patent and Trademark Office
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CARPENTER & ASSOCIATES
5 PIPESTEM COURT
ROCKVILLE MD 20854

In re Application of:
ROBERT D. WILHELM
Serial No.: 12/147779
Filed: June, 27th 2008
Attorney Docket number:
END920070436US2_R100001C1
Title: **AUTOMATICALLY POWERING ON AN ELECTRONIC DEVICE SUCH AS A CAMCORDER OR CAMERA BY DETERMINING THE REAL-TIME STATE OF THE ENCLOSURE FOR THE 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 June 27th 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.

In regard to item 6.5, although petitioner mentions that this application claims the benefit of parent application, SN 12/020716, the Accelerated Examination Support Document fails to include the showing of where each limitation finds support in the parent application as required. The "Accelerated Examination Support Document" is deficient because section 9(E) fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of the parent application, SN 12/020716, 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 Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600

Applicants:	Robert D. Wilhelm
Attorney Docket No.:	END920070436US2/R100001C1
Serial No.:	12/147,779
Art Unit:	2622
Confirmation No.:	7520
For:	AUTOMATICALLY POWERING ON AN ELECTRONIC DEVICE SUCH AS CAMCORDER OR CAMERA BY DETERMINING THE REAL-TIME STATE OF THE ENCLOSURE FOR THE DEVICE
Filed:	June 27, 2008

Request for Reconsideration of Decision Dismissing Petition to Make Special for Accelerated Examination of New Application

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

Dear Sir:

Applicant requests reconsideration of the Decision of September 9, 2008, dismissing the Petition to Make Special for the above-identified patent application. It is respectfully submitted that Applicant has perfected the petition with the filing of the attached Supplemental Accelerated Examination Support Document.

The Decision (on page 3, second paragraph under "REVIEW OF FACTS") asserts that the originally filed AE Support Document "is deficient because section 9(E) fails to include a showing of where each limitation finds support...in the written description of the parent application, SN 12/020716, specification."

Applicant has included in the attached Supplemental AE Support Document section 9(E) a showing of where each limitation finds support in the written description of the parent application, SN 12/020716, specification. Applicant has also taken this opportunity to correct the paragraph numbers listed in section 9(E) for the showing of where each limitation finds support in the written description of the present application, SN 12/147,779, specification.

Thus, it is believed that the asserted deficiencies in the AE Support Document have been addressed and that the Petition has been perfected.

This Request for Reconsideration is timely filed as the due date is October 9, 2008. Thus, for at least the above reasons, reconsideration of the Decision of September 9, 2008, dismissing the Petition to Make Special for the above-identified patent application and granting of the Petition are respectfully requested.

Respectfully Submitted,

/Robert K. Carpenter/

Robert K. Carpenter
Reg. No. 34,794
Carpenter & Associates
5 Pipestem Court
Rockville, MD 20854
301-802-2668
October 3, 2008

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TECHNOLOGY CENTER 2600

CARPENTER & ASSOCIATES
5 PIPESTEM COURT
ROCKVILLE MD 20854

In re Application of:
ROBERT D. WILHELM
Serial No.: 12/147779
Filed: June 27th 2008
Attorney Docket No.:
END920070436US2_R100001C1
Title: **AUTOMATICALLY POWERING ON AN ELECTRONIC DEVICE SUCH AS A CAMCORDER OR CAMERA BY DETERMINING THE REAL-TIME STATE OF THE ENCLOSURE FOR THE 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 October 6th 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 September 9th 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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PHILIP S JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
JUN 19 2009
OFFICE OF PETITIONS

In re Application of	:	
Lilienfeld, et al.	:	
Application No. 12/147,881	:	ON PETITION
Filed: June 27, 2008	:	
Attorney Docket No. COD5191USNP	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 18, 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 a substitute specification. No substitute specification having been received, the application became abandoned on September 15, 2008. A Notice of Abandonment was mailed on March 18, 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 a substitute specification.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA NY 14850

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of:	:	
Mathew et al.	:	
Application No. 12/147884	:	DECISION GRANTING
Filing or 371(c) Date: 06/27/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHOD AND USE OF MICROARRAY	:	
TECHNOLOGY AND PROTEOGENOMIC	:	
ANALYSIS TO PREDICT EFFICACY OF	:	
HUMAN AND XENOGRAPHIC CELL,	:	
TISSUE AND ORGAN TRANSPLANT	:	

This Decision is in response to the "Petition Under 37 C.F.R. 1.47(a)," filed January 21, 2009. The correspondence is properly treated as a petition to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Leonid Kravets, refuses to join in the application.

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

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DR. ROBERT VAN BUSKIRK
13 EAST GLENN ROAD
APALACHIN, NY 13732

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of:	:	
Mathew et al.	:	
Application No. 12/147884	:	LETTER
Filing or 371(c) Date: 06/27/2008	:	
Title of Invention:	:	
METHOD AND USE OF MICROARRAY	:	
TECHNOLOGY AND PROTEOGENOMIC	:	
ANALYSIS TO PREDICT EFFICACY OF	:	
HUMAN AND XENOGRAPHIC CELL,	:	
TISSUE AND ORGAN TRANSPLANT	:	

Dear Dr. Van Buskirk:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA NY 14850

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DR. JOHN M. BAUST
234 FRONT STREET
OSWEGO, NY 13827

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of:
Mathew et al.
Application No. 12/147884
Filing or 371(c) Date: 06/27/2008
Title of Invention:
METHOD AND USE OF MICROARRAY TECHNOLOGY AND PROTEOGENOMIC ANALYSIS TO PREDICT EFFICACY OF HUMAN AND XENOGRAPHIC CELL, TISSUE AND ORGAN TRANSPLANT

LETTER

Dear Dr. Baust:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: BROWN & MICHAELS, PC
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118 NORTH TIOGA ST
ITHACA NY 14850

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P.O. Box 1450
Alexandria, VA 22313-1450
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DR. JOHN G. BAUST
C/O PAUL SHEPPARD
HINMAN, HOWARD & KATTELL
700 SECURITY MUTUAL BLDG.
80 EXCHANGE STREET
P.O. BOX 5250
BINGHAMTON, NY 13902-5250

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of:	:	
Mathew et al.	:	
Application No. 12/147884	:	LETTER
Filing or 371(c) Date: 06/27/2008	:	
Title of Invention:	:	
METHOD AND USE OF MICROARRAY	:	
TECHNOLOGY AND PROTEOGENOMIC	:	
ANALYSIS TO PREDICT EFFICACY OF	:	
HUMAN AND XENOGRAPHIC CELL,	:	
TISSUE AND ORGAN TRANSPLANT	:	

Dear Dr. Baust:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: BROWN & MICHAELS, PC
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118 NORTH TIOGA ST
ITHACA NY 14850

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ONE MICROSOFT WAY
REDMOND WA 98052

MAILED

NOV 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Ramesh CHINTA, et al	:	
Application No. 12/147,895	:	DECISION ON PETITION
Filed: June 27, 2008	:	
Attorney Docket No. 323474.01	:	

This is a decision on the petition under 37 CFR 1.182, filed, July 27, 2009, to change the name of inventor "Jason Li" to – Crystal Li --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Diane Goodwyn at (571) 272-6735. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2192 for further processing.

Thurman Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/147,895	06/27/2008	2192	1160	323474.01	20	3

CONFIRMATION NO. 7717

CORRECTED FILING RECEIPT

69316
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

OC000000038691937

Date Mailed: 11/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ramesh Chinta, Sammamish, WA;
Crystal Li, Redmond, WA;
Vladimir Lifliand, Sammamish, WA;
Narasimha Rao S. S. Nagampalli, Redmond, WA;

Assignment For Published Patent Application

Microsoft Corporation, Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number 69316

Domestic Priority data as claimed by applicant

Foreign Applications

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 07/14/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/147,895**

Projected Publication Date: 12/31/2009

Non-Publication Request: No

Early Publication Request: No

Title

Extension Model for Improved Parsing and Describing Protocols

Preliminary Class

717

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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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Yoshihiko SHIMANUKI	: DECISION ON REQUEST FOR
Patent Number	: 7576422	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/147,905	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/27/2008	: 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.

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NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

COPY MAILED
JAN 07 2010

In re Application of	:	
Troy White	:	
Application No. 12/147,909	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JHN-839-2063	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 28, 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(s) 5.

The instant petition fails to provide any evidence of category (B). Initially, it is noted that the application is directed to photovoltaic shingles and the electrical connections between them and it is not clear on its face that the claimed invention materially contributes to the conservation of energy resources. As such applicant provided a statement as to how the invention materially contributes to energy conservation. The instant petition fails to meet the materiality standard of 37 CFR 102 (c)(2)(ii). Although the invention may be directed to the development of photovoltaic shingles and an improved electrical connections between them, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to the conservation of energy resources. That the photovoltaic shingles may be easier to install does not in itself meet the materiality standard. Accordingly, it is unclear as to how the claimed invention would contribute in a significant manner to the development or conservation of energy resources. Additionally, it is noted that MPEP 708.02 VI states that the standard does not permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to category (A) or (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 FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

David Buczo
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.
12/147,909	06/27/2008	Troy White	JHN-839-2063	7739

30024 7590 02/12/2010
NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
TAI, XIUYU

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/12/2010	PAPER

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

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

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NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

FEB 12 2010

In re Application of	:	
White	:	DECISION ON PETITION
Application No. 12/147,909	:	TO MAKE SPECIAL UNDER
Filed: 6/27/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **JHN-839-2063**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/26/2010, 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

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

MR. JOSEPH E. SCHOENHOLTZ JR
LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR.
254 COLLEGE AVENUE, F
PALO ALTO, CA 94306

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin Shen, et al.	:	
Application No. 12/147,929	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. JCLA17063-CIP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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 cannot be approved because petitioner has not provided the Office with an address for the applicant.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MR. JOSEPH E. SCHOENHOLTZ, JR.
LAW OFFICE OF JOSEPH E. SCHOENHOLLTZ, JR.
254 COLLEGE AVENUE, F
PALO ALTO, CA 94306

MAILED

NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Geng-Shin Shen, et al.	:	
Application No. 12/147,929	:	DECISION ON PETITION
Filed: June 27, 2008	:	TO WITHDRAW
Attorney Docket No. JCLA17063-CIP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009 and resubmitted November 2, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Joseph E. Schoenholtz, Jr. has been revoked by the assignee of the patent application on November 3, 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: DAVID WANG
C/O CHIPMOS TECHNOLOGIES, INC.
NO 5 NAN-KO ROAD 1
SCIENCE BASED INDUSTIAL PARK
TAINAN, TAIWAN, ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/147,929	06/27/2008	Geng-Shin Shen	JCLA17063-CIP

CONFIRMATION NO. 7778

POWER OF ATTORNEY NOTICE

53538
Mr. Joseph E. Schoenholtz Jr
Law Office of Joseph E. Schoenholtz Jr.
254 College Avenue, F
Palo Alto, CA 94306

OC000000038709890

Date Mailed: 11/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2009.

- 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).

/amwise/

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

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MR. JOSEPH E. SCHOENHOLTZ, JR.
LAW OFFICE OF JOSEPH E. SCHOENHOLLTZ, JR.
254 COLLEGE AVENUE, F
PALO ALTO, CA 94306

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JAN 20 2010

In re Application of
Geng-Shin Shen, et al.
Application No. 12/147,929
Filed: June 27, 2008
Attorney Docket No. JCLA17063-CIP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Joseph E. Schoenholtz, Jr. has been revoked by the assignee of the patent application on November 3, 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: DAVID WANG
C/O CHIPMOS TECHNOLOGIES, INC.
NO 5 NAN-KO ROAD 1
SCIENCE BASED INDUSTIAL PARK
TAINAN, TAIWAN, ROC

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NOV 17 2009

OFFICE OF PETITIONS

J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

In re Application of	:	
Jiunn-Yeong Yang et al.	:	
Application No. 12/147,969	:	NOTICE
Filed: June 27, 2008	:	
Attorney Docket No. **JCLA27353**	:	

This is a notice regarding your request filed September 30, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND, OR 97209-2785

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of
Bauman, et al.
Application No. 12/148,007
Filed: April 15, 2008
Attorney Docket No. 103534-0004

ON PETITION

This is a decision on the petition under 37 CFR 1.78, filed September 17, 2009, which will be treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in the amendment filed concurrently with the instant petition. The petition will also be treated as a petition under 37 CFR 1.78(a)(6) to accept the unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority of the prior-filed provisional application set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

The petition under 37 CFR 1.78(a)(6) is also **GRANTED**.

TREATMENT UNDER 37 CFR 1.78(a)(3)

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

1. the reference required by 35 U.S.C § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

2. the surcharge set forth in § 1.17(t), and

3. a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

It is noted that 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The instant non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application, found in the amendment to the first page of the specification, was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for 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.

TREATMENT UNDER 37 CFR 1.78(a)(6)

A petition for acceptance of a claim for late priority 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 the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

1. the reference required by 35 USC 119(e) and paragraph (a)(5) of this section to the prior-filed provisional 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 paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional.

It is noted that 37 CFR § 1.78(a)(6) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application, found in the amendment to the first page of the specification, was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 119(e). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) should not be construed as meaning the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) and 35 U.S.C.§ 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application and provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This matter is being referred to Technology Center 2800, Art Unit 2836 for further processing, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C.§ § 120 and 119(e) to the prior-filed nonprovisional and provisional applications.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/148,007	04/15/2008	2836	515	103534-0004	20	3

CONFIRMATION NO. 1458

CORRECTED FILING RECEIPT

35940
ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND, OR 97209-2785

OC000000038332579

Date Mailed: 10/16/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Paul Baumann, Portland, OR;
Bruce Wingen, Denver, CO;

Assignment For Published Patent Application

Enertek Solutions, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 35940

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/923,871 04/16/2007
and is a CIP of 11/999,581 12/05/2007
which claims benefit of 60/873,062 12/05/2006

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/148,007**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Single- or dual-inverter auxiliary power conversion apparatus and system and narrow-hysteresis charging method

Preliminary Class

307

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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JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

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NOV 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Leonid Petrenko	:	
Application No. 12/148,024	:	ON PETITION
Filed: April 16, 2008	:	
Attorney Docket No. LP 08083	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 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 a statement by the applicant's attorney that he is 65 years of age, and is also accompanied with a copy of applicant's Arizona driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski 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 2841 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Jean Hildesheim	: DECISION ON REQUEST FOR
Patent Number	: 7605274	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/148,070	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL D. BERGER
12822 PARK ONE DRIVE
SUGAR LAND TX 77478

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MAR 04 2010

In re Application of

Paul Daniel Berger, et al.
Application No. 12/148,083
Filed: April 16, 2008
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 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 signed by applicant Paul D. Berger. 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 1796 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

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In re Application of Moti Altarac et al. Application No. 12/148,104 Filed: April 16, 2008 Attorney Docket No. **VFX012000503**	DECISION ON PETITION TO WITHDRAW FROM RECORD

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

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 68823 has been revoked by the applicants of the patent application on January 13, 2010. 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 the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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

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www.uspto.gov

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON MA 02110

MAILED

APR 27 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tendler :
Application No. 12/148,105 :
Filed: April 16, 2008 :
Attorney Docket No. TT-121-C :
For: METHOD AND APPARATUS FOR VIEWING POLARIZED DISPLAYS

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2009 (certificate of mailing date March 12, 2009), 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)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed May 7, 2008, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on January 12, 2009.

A grantable petition pursuant to 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. The Director may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirement (1) above.

On October 2, 2008, a revised fee schedule went into effect. Any fee amount paid after October 2, 2008 must be paid as shown in the revised fee schedule. On March 12, 2009, petitioner paid the fees at the rates specified in the May 7, 2008 Notice. Petitioner's $580.00 check was allocated towards a $165.00 basic filing fee, a $270.00 search fee, a $65.00 surcharge, and a partial payment ($80.00) of the $110.00 examination fee. As a result, petitioner owes $30.00 towards the examination 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 concerning this decision 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

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON MA 02110

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AUG 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Tendler :
Application No. 12/148,105 : ON PETITION
Filed: April 16, 2008 :
Attorney Docket No. TT-121-C :
For: METHOD AND APPARATUS FOR VIEWING POLARIZED DISPLAYS

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 29, 2009 (certificate of mailing date June 25, 2009), to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed May 7, 2008, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on January 12, 2009.

Applicant has submitted a proper reply to the May 7, 2008 Notice in the form of the $165.00 basic filing fee, a $270.00 search fee, a $65.00 surcharge, and a $110.00 examination fee, an acceptable statement of the unintentional nature of the delay in responding to the May 7, 2008 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Petitioner has paid two $810.00 petition fees. Only one is required. Pursuant to petitioner's authorization, deposit account no. 20-0449 will be credited $810.00.

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 decision 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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OFFICE OF PETITIONS

Susan Mapes
14247 Briarwood Terrace
Rockville MD 20853

Applicant: Mapes
Appl. No.: 12/148,109
Filing Date: April 17, 2008
Title: Usefulness
Pub. No.: US 2009/0265192 A1
Pub. Date: October 22, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on November 2, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the title is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication, wherein the title is listed as "Usefulness" is not an Office error. The title "Usefulness" is included on the first page of the specification. While the Oath includes the title "Divorce Annuity Insurance Business Structure", the Office looks to the title on the specification or any change to the title included on an amendment or application data Sheet (ADS). A link is provided below for instructions on how to make amendments.

http://www.uspto.gov/patents/law/moreinfoamdtprac.jsp

Furthermore, even if the Office made a mistake in the title, it would not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the

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

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

On June 10, 2008 and July 22, 2008, Filing Receipts were mailed by the Office, which listed the title as "Usefulness". To avoid this type of problem in the future, applicant should correct the title and make a request a corrected filing receipt prior export of the application to the publisher which is approximately 10 weeks before the projected publication date, which is listed on the Filing Receipt and/or 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THOMAS A O'ROURKE
BODNER & O'ROURKE
425 BROADHOLLOW ROAD
MELVILLE NY 11747

COPY MAILED

JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Ryan McGann	:	
Application No. 12/148,126	:	ON PETITION
Filed: April 16, 2008	:	
Title: Solar-Powered Refrigerated Container	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 26, 2009.

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

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Missing Parts of Nonprovisional Application, mailed May 7, 2008. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory basic filing fee, surcharge for its late filing, together with an oath or declaration and replacement drawings. No reply having been received, the application became abandoned on July 8, 2008. The Office mailed a Notice of Abandonment on January 13, 2009.

With the instant petition, applicants have paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the fees and replacement drawings.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HENNEMAN & ASSOCIATES, PLC
714 W. MICHIGAN AVE.
THREE RIVERS MI 49093

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AUG 0 4 2008

In re Application of	:	
MOORE, Charles H.	:	
Application No. 12/148,130	:	DECISION ON PETITION
Filed: April 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **0057-057**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Charles H. Moore attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231
All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2622 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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DUNLAP CODDING & ROGERS, P.C.
PO BOX 16370
OKLAHOMA, CITY OK 73113

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MAY 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
MAGUIRE, James Q.	:	
Application No. 12/148,197	:	DECISION ON PETITION
Filed: April 17, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **4692.013**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 17, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement attesting that James Q. Maguire is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

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DEC 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
James Austin et al.	:	
Application No. 12/148,211	:	DECISION ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. 11398.119	:	

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**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 31, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 1, 2009.

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571)6842.

This application is being referred to Technology Center AU3632 for appropriate action by the Examiner in the normal course of business on the reply received

Carl Friedman
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,254	04/17/2008	Yoshiki Katoh	4041J-001448	2593

7590 10/14/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
JONES, MELVIN

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
10/14/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/14/2009 NFARMER 0313383920
DR#000750 Name/Number:12148254
FC: 9234 $619.00 CR

Adjustment date: 10/14/2009 NFARMER
04/21/2008 MBELETE1 00000007 12148254
02 FC:1111 -510.00 OP
04 FC:1202 -100.00 OP

FORM PET651G (Rev. 08/07)

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Jessie Lee Hicks
13936 Ginger Lane
San Fernando, CA 91340

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NOV 2 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jessie Lee Hicks :
Application No. 12/148,260 :
Filed: April 18, 2008 :
Attorney Docket No. N/A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of Incomplete Nonprovisional Application (Notice), mailed May 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on July 29, 2008 (July 27, 2008 was a Sunday).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 2.

The petition in the above-identified application was not accompanied by the required fee. The current fee for a Petition For Revival Of An Application for Patent Abandoned Unintentionally Under 37 CFR1.137 effective October 2, 2008 is $810. The remaining balance needed to fulfill the cost of the petition is $40.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

Brian W. Brown
Petitions Examiner
Office of Petitions

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MAR 12 2009

OFFICE OF PETITIONS

Jessie Lee Hicks
13936 Ginger Lane
San Fernando CA 91340

In re Application of	:	
Jessie Lee Hicks	:	
Application No. 12/148,260	:	DECISION ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. N/A	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 12, 2008, to revive the above-identified application.

The renewed 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 at least one claim, a properly executed oath or declaration, a substitute declaration and 4 pages of replacement drawings (Figs 1-11), (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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JUL 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Koya et al.	:	Letter Notifying Applicant the
Application No. 12/148,312	:	Application Has Been Accorded
Filed: April 18, 2008	:	Status Under 37 CFR 1.47
Attorney Docket No. 3211.1014-022	:	

This is in response to papers filed April 18, 2008, which are being treated as a request for the application to be accorded status under 37 CFR 1.47(a).

The instant application is a continuation of 11/157,213, which was accorded status under 37 CFR 1.47. The instant application contains copies of the declaration and Rule 47 decision from the prior application. When a parent application has been accorded status under 37 CFR 1.47, an applicant may submit a copy of the declaration from the parent application and a copy of the parent application's Rule 47 decision letter instead of submitting a new petition under 37 CFR 1.47.[1]

The declaration is accepted and the signing inventors may prosecute the application on behalf of the non-signing inventor.

The application is hereby accorded Rule 1.47(a) status.

The Office of Patent Application Processing will be informed of the instant decision and will continue to prepare the application for examination.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

[1] 37 CFR 1.63(d)(3) states, "Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by . . . A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit."

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Camarillo CA 93011

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OFFICE OF PETITIONS

In re Application of
Jacob Bijl
Application No. 12/148,329
Filed: April 18, 2008
Attorney Docket No. **2007-190**

DECISION ON PETITION

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**.

This application became abandoned for failure to timely submit new Oath or Declaration on or before November 12, 2009, as required by the Notice of Allowability, mailed August 12, 2009. Accordingly, the date of abandonment of this application is November 13, 2009.

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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OCT 22 2008

OFFICE OF PETITIONS

ALBERTO A. LEON, ESQ.
PO BOX 30684
ALBUQUERQUE, NM 87190

In re Application of	:	
Dougles Anson Loy	:	
Application No. 12/148,341	:	DECISION ON PETITION
Filed: April 17, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 50294	:	

This is a decision on the petition, filed July 28, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 2, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 22, 2009 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 1796 for examination in due course.

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/148,341	04/17/2008	Dougles Anson Loy	50294

CONFIRMATION NO. 2645

Alberto A. Leon, Esq.
PO Box 30684
Albuquerque, NM 87190

NONPUBLICATION RESCISSION LETTER

OC000000032696073

Date Mailed: 10/21/2008

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

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

The projected publication date is 10/22/2009.

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

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

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

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

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

/kocreasy/

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

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DECISION ON PETITION

In re Application of:
HOOK *et al.*
Serial No.12/148389 February 18, 2010

This is a decision in response to Applicants' petition filed on February 17th, 2009 under 37 C.F.R 1.84(a)(2) to accept color drawing(s) in the instant application. The papers filed with the petition include:

(a) Three copies of color formal drawing sheets;
(b) A fee set forth in 37 C.F.R 1.17(h); and
(c) A statement in the specification that the application includes color drawings.

In light of the fact that the various papers filed by Applicants are in compliance of 37 C.F.R 1.84(a)(2), the petition is hereby granted.

PETITION GRANTED.

/ Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Art Unit 1656
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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Andrew S. Langsam
Pryor Casman LLP
410 Park Avenue - 10th Floor
New York NY 10022

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SEP 29 2008

In re Application of :
Castelluccio :
Application No. 12/148,424 : ON PETITION
Filing Date: April 18, 2008 :
Attorney Docket No.: 13145.03 :

This decision is in response to "DECLARATION AND NOTICE OF PETITION UNDER 37 CFR 1.182," filed July 11, 2008, to accord the above-identified application a filing date of April 18, 2008 with Fig. 2 of the specification as part of the disclosure of application.

The petition is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date set forth above. This period of time reply is not subject to extensions of time under 37 CFR 1.136. Any request for reconsideration should be titled "Request for Reconsideration under 37 CFR 1.182."

The application was filed April 18, 2008. The Notice to File Corrected Application Papers in a Nonprovisional Application (Notice) mailed May 7, 2008 by the Office of Initial Patent Examination (OIPE) indicated, *inter alia*, that the application had been accorded a filing date but that Figure 2 of the drawings appeared to be omitted from the application as filed.

The Notice gave applicants the opportunity to: *one*, petition for a date of deposit by establishing that the omitted item was deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers; *two*, petition for later filing date by submitting the omitted item and accepting the date that the item was filed in the USPTO as the filing date of the application; *three*, accept as the application filing date the application as deposited without the omitted item as part of the application; or, *four*, accept the application as deposited, but to add the subject matter in the omitted item (e.g., a

missing page or figure) by relying on an incorporation by reference under 37 CFR 1.57.

Petitioners herein argue that the application as deposited on April 18, 2008 included Figure 2 of the drawings.

Petitioners assert:

> "Applicant submits another copy of the originally submitted drawings, as well. It will be noted that Figure 2 was a color photograph showing an individual (the secretary to the undersigned attorney) holding the subject inventive "guide" or transparent sheet in her right hand and withdrawing it from the white cardboard backer sheet held in her left hand. This actual color photograph was submitted along with the original specification and other drawings. Figure 3, similarly, is again the same individual showing the transparent guide sheet adhered (by static electricity) to a bathroom mirror and the individual thus applying cosmetics, using a blush brush to her face. This color photograph was also originally submitted with the present application on April 18, 2008. Since color photos were submitted, it appears that when they were sought to be photocopied by the US Patent Office, they appeared (the copies) to be black or blurry. However, the originals as submitted are clear and not smudged nor blurry."

The arguments and evidence submitted by petitioners have been considered, but are not persuasive. The USPTO file is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. A review of the record, including a review of the Supplemental Complex Repository for Examiner (SCORE), which can be accessed via Private and Public PAIR, reveals that two drawing figures were received on April 18, 2008, Figures 1 and 3. Figure 2 was not amongst the papers received April 18, 2008.

Further, the Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt that itemizes and properly identifies the papers that are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped

thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Petitioners have provided no evidence of receipt of the omitted figure, such as a return postcard. Instead, petitioners' argument that when the USPTO sought to photocopy the color drawings submitted by applicants, the drawings appeared to be black or blurry, is not supported by any convincing evidence and does not establish that the drawing figure was actually received on April 18, 2008.

Accordingly, petitioners have failed to establish that the application is entitled to a filing date April 18, 2008 with Figure 2 of the drawings as part of the original disclosure.

Applicants may wish to amend the application to submit the missing drawing figure in accordance with 37 CFR 1.121 without the need for a petition by submitting a preliminary amendment to the specification prior to the first Office action on the merits to avoid delays in prosecution.

The instant petition and accompanying documents do not satisfy the Notice mailed May 7, 2008.

Accordingly, petitioner should review the Notice and elect in writing a course of action within TWO MONTHS of the mail date of the instant petition to avoid abandonment of the application.

To continue to petition for a date of deposit, applicant must submit a request for reconsideration establishing that the omitted item was deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, such as by way of date stamped return post card.

To petition for a later filing date of July 11, 2008, the date that the omitted item was submitted, applicant should submit a petition to this effect, including a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to the omitted item.

To accept as the application filing date the application as deposited without the omitted item as part of the application, applicant should submit this request in writing and include replacement drawing sheets in compliance with 37 CFR 1.121(d) to renumber the drawing figures consecutively (if necessary), a substitute specification excluding claims that amends the specification to cancel any references to any omitted drawing(s)

and corrects the references in the specification to the drawing figures to correspond with any relabeled drawing figures, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125.

Or, to accept the application as deposited but to add the subject matter in the omitted item by relying on an incorporation by reference under 37 CFR 1.57 or other portions of the original disclosure, applicant must submit the petition under 37 CFR 1.57 and include new and replacement drawing sheets in compliance with 37 CFR 1.121(6).

The petition fee submitted herewith will not be refunded as the petition was not necessitated due to Office error.

This application is being directed to the Office of Patent Application Processing for further processing with a filing date of April 18, 2008, without entry of Figure 2 into the record and to await further response by applicant.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Andrew S. Langsam
Pryor Casman LLP
410 Park Avenue - 10th Floor
New York NY 10022

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
Castelluccio :
Application No. 12/148,424 : ON PETITION
Filing Date: April 18, 2008 :
Attorney Docket No.: 13145.03 :

This decision is in response to the renewed petition for a filing date of April 18, 2008 with Fig. 2 as part of the original disclosure of application, filed October 3, 2008.

The Notice to File Corrected Application Papers (Notice) mailed May 7, 2008 indicated, *inter alia*, that the instant application had been accorded a filing date, but that page 2 of the specification appeared to have been omitted from the application as filed.[i]

Petitioner continues to argue that the application as deposited included Fig. 2 of the drawings; and has presented as proof of mailing and proof of receipt of Fig. 2 of the drawings a receipt card date stamped by the Office on April 18, 2008. The postcard indicates receipt of three pages of drawings. A copy of Fig. 2 of the drawings purportedly filed with the application was submitted herewith.

The original sheet containing Fig. 2 has not been located, as only 2 pages of drawings appear in the record amongst the papers filed April 18, 2008. However, in view of the evidence presented, the petition to accord the application a filing date of April 18, 2008 with Fig. 2 of the drawings as part of the disclosure of invention is GRANTED.

Since the original drawing sheet containing Fig. 2 has not be located in the Office, the copy of the figure submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioner's deposit account will be refunded the $400.00 petition fee that accompanied the petition.

This application will be returned to the Office of Patent Application Processing for further processing with a filing date of April 18, 2008 with Fig. 2 of the drawings as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

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

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[i] The Notice further required submission of replacement drawings. It is noted that the replacement drawings submitted July 11, 2008 are not labeled in the header as "REPLACEMENT DRAWINGS," as per 37 CFR 1.84(c).

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Dean A. Craine
Suite 140
400 – 112th Avenue NE
Bellevue, WA 98004

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OFFICE OF PETITIONS

In re Application of	:	
Chris Pershing et al.	:	
Application No. 12/148,439	:	DECISION ON PETITION
Filed: April 17, 2008	:	TO WITHDRAW
Attorney Docket No. CPDC 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 September 26, 2008.

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

A review of the file record indicates that the power of attorney to Dean A. Craine and all attorneys/agents associated with customer number 28009 have been revoked by the assignee of the patent application on October 1, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Seed Intellectual Property Law Group, PLLC
701 Fifth Avenue
Suite 5400
Seattle, WA 98104

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,439	04/17/2008	Chris Pershing	290115.401	2694

500 7590 03/12/2010
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER
CLARK, DAVID J

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
03/12/2010	PAPER

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

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

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

Applicant: Pershing et al.
Appl. No.: 12/148,439
Filing Date: April 17, 2008
Title: AERIAL ROOF ESTIMATION SYSTEM AND METHOD
Attorney Docket No.: 290115.401
Pub. No.: US 2008/0262789 A1
Pub. Date: October 23, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 5, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers 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.

Tammy J. Keith

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 03/12/2010 KKING1
03/08/2010 INTEFSW 00005808 191090 12148439
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 01 2009

OFFICE OF PETITIONS

Law Offices of John W. Carpenter
John W. Carpenter
12 Metairie Court
Metairie, LA 70001

In re Application of	:	
Hans Leal et al.	:	
Application No. 12/148,477	:	DECISION ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 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 May 12, 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 October July 13, 2008. A Notice of Abandonment was mailed on February 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 $810, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings is 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 July 17, 2009.

Carl Friedman
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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NOV 23 2009

OFFICE OF PETITIONS

Morrison & Foerster, LLP
425 Market Street
San Francisco, CA 94105-2482

In re Application of	:	
Patrick Pak Tak Leong et al.	:	
Application No. 12/148,481	:	DECISION ON PETITION
Filed: April 17, 2008	:	TO WITHDRAW
Attorney Docket No. GMVIP06	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2009.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on October 28, 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: Vista IP Law Group, LLP
1885 Lundy Avenue, Suite 108
San Jose, CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WILEY REIN LLP
1776 K. STREET N.W.
WASHINGTON DC 20006

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OCT 28 2009
OFFICE OF PETITIONS

In re Application of	:	
Abraham Wien	:	
Application No. 12/148,486	:	DECISION ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. 84151.0003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 12, 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 July 13, 2008. The Notice of Abandonment was mailed January 15, 2009.

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

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

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

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of
Jegorov et al.
Application No. 12/148,492
Filed: April 17, 2008
Attorney Docket No. 13150/A413US2

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed January 25, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

Also, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim

was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

Petitioners' argument that a petition is not required because the Information Disclosure Statement (IDS) submitted on August 25, 2008 indicated the instant application was a continuation in part is not persuasive. If a claim is not included in the first sentence(s) of the specification or in an ADS and is not recognized by the Office as shown by its absence on the filing receipt, the Office will require a petition under 37 CFR 1.78(a) and the surcharge to correct the claim. The Office may not recognize any benefit claim where there is no indication of the relationship between the nonprovisional applications or no indication of the intermediate nonprovisional application that is directly claiming the benefit of the provisional application. Even if the Office has recognized a benefit claim by entering it into the Office's database and including it on applicant's filing receipt, the benefit claim is not a proper benefit claim under 35 U.S.C. 119(e) or 35 U.S.C. 120 and 37 CFR 1.78 unless the reference is included in an ADS or in the first sentence(s) of the specification and all other requirements are met. See MPEP 201.11. In this instance, the Office did not recognize any prior filed applications on the filing receipt, nor did applicant provide a claim in the manner specified prior to the instant petition. As such, a petition was required.

Pursuant to petitioner's request, deposit account no. 11-0600 will be assessed the 1410.00 petition fee.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1624 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/148,492	04/17/2008	1624	2960	13150/A413US2	33	6

CONFIRMATION NO. 3538

CORRECTED FILING RECEIPT

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

OC000000041988691

Date Mailed: 06/08/2010

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)

Alexandr Jegorov, Dobra Voda, CZECH REPUBLIC;
Miloslav Chudik, Karvina, CZECH REPUBLIC;
Judith Aronhime, Rehovot, ISRAEL;
Ales Gavenda, Ostrava, CZECH REPUBLIC;
Jiri Faustmann, Opava, CZECH REPUBLIC;

Power of Attorney: The patent practitioners associated with Customer Number 26646

Domestic Priority data as claimed by applicant

This application is a CIP of 11/796,573 04/27/2007
which claims benefit of 60/796,253 04/27/2006
and claims benefit of 60/818,916 07/05/2006
and claims benefit of 60/837,420 08/10/2006
and claims benefit of 60/847,631 09/26/2006
and claims benefit of 60/852,349 10/16/2006
and claims benefit of 60/854,221 10/24/2006
and claims benefit of 60/861,825 11/29/2006
and claims benefit of 60/918,178 03/14/2007
and claims benefit of 60/922,034 04/04/2007
and claims benefit of 60/923,440 04/12/2007

Foreign Applications

If Required, Foreign Filing License Granted: 05/09/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/148,492**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Polymorphic forms of imatinib mesylate and processes for preparation of novel crystalline forms as well as amorphous and form alpha

Preliminary Class

514

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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714 W. MICHIGAN AVE.
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SEP 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Charles H. Moore	:	
Application No. 12/148,505	:	DECISION ON PETITION
Filed: April 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0057-043P1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2189 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/148,507	04/18/2008	Sue K. DeNise	MMI-0105 (14972.105018)	2594

20786 7590 01/30/2009
KING & SPALDING
1180 PEACHTREE STREET , NE
ATLANTA, GA 30309-3521

EXAMINER

ART UNIT	PAPER NUMBER
1637	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 2 9 2009

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

In re Application of :
DENISE et al. : PETITION TO MAKE SPECIAL
Serial No.: 12/148,507 :
Filed: April 18, 2008 :
Attorney Docket No.: **MMI-0105**
(14972.105018):

This is in response to applicants' petition filed August 25, 2008, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicants have satisfied the provisions set forth in M.P.E.P. 708.02, II, (A), (B), and (C). Specifically, applicants have provided a statement that (A) That there is an infringing device or product actually on the market or method in use; (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicants have also provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record. See MPEP 708.02 II for a complete explanation.

The $130.00 petition fee as required by 37 CFR 1.17(h) was charged to applicant's Deposit Account No. 11-0980, as directed.

The petition is **GRANTED**.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 2 4 2009

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KING & SPALDING
1180 PEACHTREE STREET , NE
ATLANTA GA 30309-3521

In re Application of :
Denise et al.
Serial No.: 12/148,507
Filed: April 18, 2008
Attorney Docket No.: **MMI-0105**
(14972.105018)

: PETITION DECISION

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

This decision supersedes the previous decision mailed on January 30, 2009, which is not in accordance with the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323) see below.

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it does not conform with the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323).

Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a).

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

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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HENNEMAN & ASSOCIATES, PLC
714 W. MICHIGAN AVE.
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AUG 0 4 2008

In re Application of	:	
MOORE, Charles H.	:	
Application No. 12/148,509	:	DECISION ON PETITION
Filed: April 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **0057-043P3**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Charles H. Moore attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231
All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HENNEMAN & ASSOCIATES, PLC
714 W. MICHIGAN AVE.
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SEP 04 2008

OFFICE OF PETITIONS

In re Application of :
Gibson Dann Elliot, et al. :
Application No. 12/148,515 :
Filed: April 18, 2008 :
Attorney Docket No. 0057-043P2 :
:

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 July 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes statement from the applicant, Gibson Dann Elliot declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2193 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK RODGERS
1590 SAN ROQUE ROAD
SANTA BARBARA CA 93105

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of :
Keith Friedman et al. :
Application No. 12/148,522 : DECISION REFUSING STATUS
Filed: April 17, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. **0010804** :

This decision is in response to the petition filed October 14, 2008 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

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

The above-identified application was filed on April 17, 2008, without an oath or declaration. Accordingly, on May 12, 2008, a Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, the instant petition, a declaration executed by joint inventor Keith Friedman in his own stead and on behalf of the non-signing joint inventor D. Erich Weerth and a three month extension of time was filed. Petitioner claims that joint inventor D. Erich Weerth refuses to sign the declaration.

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

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

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

(3) the petition fee;

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

The petition lacks item (1). In regards to item (1), while petitioners argue by affidavit of joint inventor Keith Friedman that a copy of the application was sent to joint inventor D.

Erich Weerth on July 14, 2008 and that on August 14th, 2008 he refused in writing, to sign the documents, petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor or of the refusal by joint inventor D. Erich Weerth.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any) and the Declaration were sent or given to the non-signing inventors for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refused to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition.

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

Additionally, petitioners are advised that the response to the Notice to File Missing Parts regarding requirement for fees has been paid at the rate due when the Notice was mailed May 12, 2008. However, effective October 2, 2008, there has been a fee increase. The required $830 in fees has been applied accordingly to the basic filing fee, surcharge, Search fee, Examination fee and Claims in excess of 20. As the fee for claims in excess of 20 claims is now $26 per claim, additional fees in the amount of $40.00 is due.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] MPEP 409.03(d).

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1590 SAN ROQUE ROAD
SANTA BARBARA CA 93105

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OFFICE OF PETITIONS

In re Application of
Keith Friedman et al.
Application No. 12/148,522
Filed: April 17, 2008
Attorney Docket No. **0010804**

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

This decision is in response to the request for reconsideration filed under 37 CFR 1.47(a) on December 12, 2008.

The petition is **GRANTED**.

The above-identified application was filed on April 17, 2008, without an oath or declaration. Accordingly, on May 12, 2008, a Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. In response, a petition filed October 14, 2008, with a declaration executed by joint inventor Keith Friedman in his own stead and on behalf of the non-signing joint inventor D. Erich Weerth and a three month extension of time was filed. Petitioner claimed that joint inventor D. Erich Weerth refused to sign the declaration. The petition was dismissed in a decision mailed November 25, 2008 because the proof presented did not support a claim that a copy of the complete application had been sent to the non-signing inventor. The decision set a two month period for reply.

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

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

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

(3) the petition fee;

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

In response to the decision dismissing the petition filed October 14, 2008, the instant petition shows that a copy of the complete application was sent to joint inventor D. Erich Weerth, that he has had an opportunity to review the application but that D. Erich Weerth has not returned an executed copy of the oath or declaration and thus refuses to cooperate with the filing of the instant application.

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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Henneman & Associates, PLC
714 W. Michigan Avenue
Three Rivers, MI 49093

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AUG 06 2008

In re Application of	:	
Charles H. Moore et al.	:	
Application No. 12/148,523	:	DECISION ON PETITION
Filed: April 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0057-056	:	37 CFR 1:102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration by 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.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2183 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

SIMONA LEVI-MINZI, PH.D.
GENERAL COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
3 TRASK LANE
DANVERS, MA 01923

In re Application of :
Peter Hornbeck et al :
Application No. 12/148,550 : ON PETITION
Filed: April 18, 2008 :
Attorney Docket No. CAT-260 DIV :

This is a decision on the petition under 37 CFR 1.137(b), filed March 23, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed May 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 3, 2008.

The declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration does not list all the named inventors. Petitioner's attention is directed to MPEP Section 602, which states:

> "Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with each of the other joint inventors indicating them by name. This may be done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with 'A' or 'A & B, etc."

Accordingly, a new declaration which lists all the inventors and is signed by all the inventor(s) is required. See MPEP Sections 201.03 and 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: 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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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

NANCY CHIU WILKER PH.D.
CHIEF INTELLECTUAL PROPERTY COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
3 TRASK LANE
DANVERS, MA 01923

In re Application of	:	
Peter Hornbeck et al	:	
Application No. 12/148,550	:	ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. CST-260 DIV	:	

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

The petition is **GRANTED.**

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 $1175 extension of time submitted with the petition on November 25, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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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.
12/148,553	04/18/2008	Daniel J. Aiken	21167-026001 (7407)	2937

41170 7590 07/08/2008
EMCORE CORPORATION
1600 EUBANK BLVD, S.E.
ALBUQUERQUE, NM 87123

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/08/2008	PAPER

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

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

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CST

7-8-08

In re application of
Daniel J. Aiken et al
Serial No. 12/148,553
Filed: April 18, 2008
For: HIGH CONCENTRATION TERRESTRIAL SOLAR ARRAY WITH III-V COMPOUND SEMICONDUCTOR CELL

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on April 18, 2008 to make the above-identified application special because a preexamination search has been performed in accordance with MPEP 708.02, section VIII.

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

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection VIII (accelerated examination based on preexamination search) was required to be filed prior to August 25, 2006. See also MPEP § 708.02(a).

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

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS).

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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

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OFFICE OF PETITIONS

In re Application of	:	
Glatthar et al.	:	DECISION ON PETITION
Application No. 12/148,557	:	TO WITHDRAW
Filed: April 18, 2008	:	FROM RECORD
Attorney Docket No. 093286-0113	:	

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

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

A review of the file record indicates that the power of attorney to practitioners associated with Foley and Lardner LLP was revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., N.W., SUITE 400
WASHINGTON, DC 20004

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.
12/148,561	04/21/2008	Jin-Ho Yang	SDIYOU.096AUS	3844

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Replm. Ref: 10/30/2009 NFARMER 0012053409
DKN:111419 Name/Number:12148561
FC: 9224 $510.00 CR

Adjustment date: 10/30/2009 NFARMER
04/22/2008 CNGUYEN2 00000065 12148561
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Johnny W. Lamb
9818 N. 48th Avenue
Glendale AZ 85302

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OFFICE OF PETITIONS

In re Application of

Johnny W. Lamb

Application No. 12/148,564

Filed: April 21, 2008

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 22, 2009.

The petition is **granted**.

This application was held abandoned July 8, 2008, after no reply was received to the Notice to File Corrected Application Papers mailed May 7, 2008. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on July 8, 2008. A Notice of Abandonment was mailed January 12, 2009. The instant petition was filed on January 22, 2009. Petitioner maintains that the Notice to File Corrected Application Papers was never received.

A review of the application file history reveals that the Notice to File Corrected Application Papers was returned to the USPTO May 15, 2008, citing the address as undeliverable. Petitioner indicates that the Notice of Abandonment was received. It is noted that both the Notice to File Corrected Application Papers and the Notice of Abandonment were mailed to the same address. The evidence is convincing that petitioner did not receive the Notice to File Corrected Application Papers. The petition is granted. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that may include remailing the Notice to File Corrected Application Papers and resetting of the period for reply.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT B. FAMIGLIO, ESQUIRE
FAMIGLIO & ASSOCIATES
P.O. BOX 1999
MEDIA PA 19063

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OFFICE OF PETITIONS

In re Application of

SEIDEL, Randy R. et al.
Application No. 12/148,604
Filed: April 21, 2008
Attorney Docket No. **4624-3**

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 16, 2008.

The request is **APPROVED**.

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

The request was signed by Robert B. Famiglio, the sole attorney of record. Robert Famiglio has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Randy Seidel 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: **RANDY R. SEIDEL**
88 CHESTNUTHILL ROAD
EMMAUS PA 18049

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.
12/148,636	04/21/2008	Takeshi Miki	075834.01146	3769

7590 08/20/2009

ROBERT J. DEPKE
LEWIS T. STEADMAN
ROCKEY, DEPKE & LYONS, LLC
SUITE 5450 SEARS TOWER
CHICAGO, IL 60606-6306

EXAMINER
MCDONALD, RODNEY GLENN

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/21/2009 NFARMER 0000168405

CHECK Refund Total: $510.00

Adjustment date: 08/21/2009 NFARMER
04/22/2008 HDESTA1 00000089 12148636
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

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MAR 1 2 2009

OFFICE OF PETITIONS

In re Application of :
Patterson, et al. :
Application No. 12/148,645 : DECISION
Filed/Deposited: 21 April, 2008 :
Attorney Docket No. P-2071 :

This is a decision on the petition filed on 8 August, 2008, and properly considered under 37 C.F.R. §1.53, to obtain a filing date of 21 April, for the instant application.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 21 April, 2008

On 10 June, 2008, the Office of Initial Patent Examination (OIPE) mailed a Notice Of Incomplete Application: (to wit: "*** the specification does not include at least one claim. A complete specification as required by 35 U.S.C. §112 is required."), and, thus, the application had not been accorded a filing date.

OIPE indicated that Petitioner might:

- contend via petition that at least one claim submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503) and of the claim(s) averred to have been deposited); or

- submit the claim(s) and accept the later date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 8 August, 2008, Petitioner submitted a petition, including therewith, *inter alia*, what was averred to be a true copy of the claim(s) included on deposit of the specification with a receipt card stamped with the application number and date of deposit: "12148645 *** 042108."

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

ANALYSIS

A search of the official file reveals that:

- on 21 April, 2008, Petitioner deposited the instant application;
- the Office record reflects that at least one claim was not present upon deposit;
- the date-stamped ("042108") receipt card evidences–in pertinent part–the following:

***

... fee transmittal form, 22 pages of specification, 1 sheet of drawings, 1 declaration, application data sheet, assignment and coversheet, power of attorney, IDS and copies of citation and check. (Emphasis supplied)

***

The Office acknowledges receipt of pages numbered 1 through 19—the description. The materials submitted by Petitioner evidence that the pages numbered 20 and 21 are indicated as the claims, and the page numbered 22 is indicated as the abstract—all of which by definition are components of the specification.

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including 22 pages of specification (description, claims and abstract)—including at least one claim (or more, as set forth on pages 20 and 21) and abstract (as set forth on page 22)—and 1 sheet of drawings, was deposited with the

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

Office on 21 April, 2008, and the claims (pages 20 and 21 (and 22)) of the specification subsequently were misplaced in the Office.

Accordingly, the application, including 22 pages of specification (description, claims and abstract)—including the claims (pages 20 and 21) and abstract (page 22)—and 1 sheet of drawings, is entitled to a filing date of 21 April, 2008.

The Notice mailed on 10 June, 2008, was sent in error to the extent that it reflected the omission of the claims (pages 20 and 21) and the abstract (page 22) of the specification (description, claims, abstract) is hereby **vacated** to the extent that it stated that the application was not accorded a filing date.

CONCLUSION

The petition is **granted**; the petition fee waived and is being refunded *via* Treasury check—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 21 April, 2008, for the entire application including 22 pages of specification (description, claims and abstract) including therein the claims (pages 20 and 21), and 1 sheet of drawings using:

- **pages 1 – 19 of the specification (description, claims abstract) and 1 sheet of drawings deposited on 21 April, 2008; and**
- **the claims (pages 20 and 21) and abstract (page 22) of the specification deposited on 8 August, 2008; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 21 April, 2008, and reflecting therein that 22 pages of specification (description and claims) and 1 sheet of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

/ John J. Gillon, Jr.
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[2] The regulations at 37 C.F.R. §1.2 provide:1

§1.2 Business to be transacted in writing.

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

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HOWARD S. REITER, ESQ.
158 PROSPECT HILL
NEW MILFORD CT 06776

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
Bruce Malkin :
Application No. 12/148,694 :
Filed: April 21, 2008 :
Attorney Docket No. Nii/2001/2007 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 20, 2008, which, for the reasons stated below, is being treated as a request for a two month extension of time.

The request for a two month extension of time is **GRANTED.**

The record shows that a Notice to File Corrected Application Papers (Notice) was mailed on May 12, 2008, which set a two month shortened statutory period for reply. Accordingly, a reply was due on or before July 10, 2008, or on or before September 10, 2008 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to an including five months, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the $770 petition fee submitted is deemed unnecessary and considered an overpayment of the extension of time and will be refunded to petitioner in due course.

Telephone inquiries concerning this decision may be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Patent Application Papers for further processing of the reply received August 20, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

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JUN 1 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Yen	:	
Application No. 12/148,713	:	DECISION
Filed: 22 April, 2008	:	
Attorney Docket No. 20660.047	:	

This is a decision on the petition filed on 18 March, 2009, which is being treated as a petition under 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen-months after filing. (*See* 37 C.F.R. §1.137(f).)

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

As to Allegations of
Failure to Notice

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(f) are the petition and fee therefor, a reply in the form of the Notice of subsequent foreign/international filing (in an eighteen-month publication country) and the date thereof, and a proper statement of unintentional delay under the regulation.

BACKGROUND

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on 9 May, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country. Therefore, pursuant to the provisions of 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c), Petitioner failed to timely notify the USPTO of the filing of a counterpart application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen-month publication country must be accompanied by:

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

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

The previous Request and Certification under 35 U.S.C. §122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication *cannot be generated at this writing.*

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

As to Allegations of
Failure to Notice

It appears that the requirements under 37 C.F.R. §1.137(f) have been satisfied.

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

Application No. 12/148,713

CONCLUSION

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

This application is being released to Technology Center/AU 1656 for further processing in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request—*Could not be generated at this writing.*

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[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Michael Arndt	: DECISION ON REQUEST FOR
Patent Number	: 7630074	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/148,718	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/21/2008	: 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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Charles N. J. Ruggiero
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10th FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2682

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Manilal S. Dahanayake et al.	:	
Application No. 12/148,742	:	DECISION GRANTING PETITION
Filed: April 21, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 516.0074USX2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 23, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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

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JUL 15 2009

OFFICE OF PETITIONS

Enerize Corporation
Elena Shembel
4956 Rothschild Dr.
Coral Springs FL 33067-4134

In re Application of	:	
Elena M. Shembel et al.	:	
Application No. 12/148,758	:	DECISION ON PETITION
Filed: April 22, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition, filed April 9, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **two (2) months** from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely and properly respond to the Notice to File Missing Parts (Notice) mailed on June 10, 2008.

Petitioner contends a response was filed in a timely manner and presents evidence which purportedly supports her position.

A review of the filed record shows the following sequence of correspondence:

> A Notice to File Missing Parts of Nonprovisional Application (Notice) with a response time of two months was mailed June 10, 2008.
>
> A response to the Notice was filed August 11, 2008.

A Notice of Incomplete reply (Nonprovisional) was mailed August 28, 2008 and indicated the period for reply continued to run from the original Notice mailed June 10, 2008.

Another response to the Notice was filed September 12, 2008.

A Notice of Incomplete Reply was mailed October 22, 2008 indicating that applicant's response filed September 12, 2008 was after the expiration of the period for reply set in the Notice mailed June 10, 2008.

A request for a four (4) month extension of time was filed January 8, 2009.

A Notice of Abandonment was mailed February 17, 2009.

Petitioner provides evidence that the request for four month extension of time was timely filed on January 8, 2009 and thus the application should not have been held abandoned since this was a timely response to the Notice of Incomplete Reply mailed October 22, 2008. The date of filing of the extension of time is not disputed and is not the issue. The application went abandoned because applicant filed a four (4) month extension of time and what was needed was a five (5) month extension of time. The Notice mailed June 6, 2008 gave a response period of two (2) months. The extension of time for four (4) months was filed January 8, 2009 and that extended period would have run till December 6, 2009. Petitioner was apparently under the impression that she needed to timely respond to the Notice of Incomplete Reply mailed October 22, 2008 but this Notice gave no response time and clearly indicated applicant needed to file an extension of time adequate to respond to the original Notice mailed June 6, 2008.

For this reason, the petition is dismissed.

Further, it is noted the petition is not properly signed. The petition is signed by only one of the co-inventors, Elena Shembel. Petitioner's attention is directed to 37 CFR 1.33(b) which states:

> *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein, Elena Shembel, was ever given a power of attorney to act on behalf of the other inventors, or that she is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is not considered properly signed.

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 $810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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Enerize Corporation
Elena Shembel
4956 Rothschild Dr.
Coral Springs FL 33067-4134

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JAN 27 2010

In re Application of	:	
Elena M. Shembel et al.	:	
Application No. 12/148,758	:	DECISION ON PETITION
Filed: April 22, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 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 10, 2008.

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

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

The file record indicates the request for Power of Attorney filed September 12, 2009 was denied in a letter mailed September 23, 2009.

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571)272-6842.

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

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: Michael G. Shariff, Esq.
1010 Parkway Trail
Bloomfield Hills, MI 48302

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SIRIUS STRATEGIC, LLC
6769 W. SHADOW LAKE DR.
LINO LAKES MN 55014

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OFFICE OF PETITIONS

In re Application of	:	
GREGOIRE, Wayne J.	:	
Application No. 12/148,759	:	DECISION ON PETITION
Filed: April 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **Gregoire - 4**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 18, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Wayne M. Gregoire 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 3723 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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86 THE COMMONS AT VALLEY FORGE
1288 VALLEY FORGE ROAD, P. O. BOX 750
VALLEY FORGE PA 19482-0750

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DEC 24 2008

In re Application of	:	
Kevin J. Carbone	:	DECISION REFUSING STATUS
Application Number: 12/148781	:	UNDER 37 CFR 1.47(b)
Filing Date: 04/22/2008	:	
Attorney Docket Number: E-2533-1	:	

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

The petition is **DISMISSED**.

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

The above-identified application was filed on April 22, 2008, without an executed oath or declaration. Accordingly, on June 18, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration as well as a surcharge for its late filing. Replacement drawings, the application search fee, and the application examination fee were also required. A two (2) month period for reply was set.

In response, on November 28, 2008, petitioner filed a four (4) month extension of time, along with the statutory basic filing

fee, the search and examination fees, the late filing surcharge, and the present petition and petition fee. Replacement drawings were also filed. A declaration naming Kevin J. Carbone as the sole inventor, signed on behalf of the non-signing inventor by Peter Radatti, President of assignee CyberSoft, Inc., was also provided.

Petitioners state that the invention has been assigned, and have provided the Reel and Frame number where the assignment is recorded. It is noted that a copy of the assignment, signed by the non-signing inventor, was recorded in the parent application, No. 10/060,631, which petitioners state the subject application is a continuation of.

Petitioners assert that that the sole inventor could not be located. Specifically, petitioners assert that a letter was sent to the inventor's last known address, but was returned by the U.S. Postal Service (USPS) as undeliverable.

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

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

The petition lacks item (1) and (6).

In regards to item (1), petitioners have not shown that diligent efforts have been made to locate the non-signing inventor.[1]

If the application is returned as undeliverable, petitioners should provide a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

---

[1] MPEP 409.03(d).

In this regard, a brief Internet search suggests that the non-signing inventor now resides in Pottstown, PA 19464.

Petitioners should verify the last known address of the non-signing inventor, and, if a more recent address is discovered, provide a copy of the application as filed to the non-signing inventor at the inventor's most recent address. Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

If an inventor(s) cannot be reached at his or her last known address, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate that inventor, send or give a copy of the application papers to him or her, and request that he or she sign and return the declaration.

If repeated attempts to contact an inventor(s) by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that an inventor(s) cannot be found despite diligent efforts.

In regards to item (6), petitioner must provide proof of irreparable damage in accordance with MPEP 409.03(g). A statement by applicant that the filing is necessary to prevent irreparable damage or to preserve the rights of the parties is sufficient.

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARDING, EARLEY, FOLLMER & FRAILEY
86 THE COMMONS AT VALLEY FORGE
1288 VALLEY FORGE ROAD, P. O. BOX 750
VALLEY FORGE PA 19482-0750

MAILED

APR 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Kevin J. Carbone	:	DECISION ACCORDING STATUS
Application Number: 12/148781	:	UNDER 37 CFR 1.47(b)
Filing Date: 04/22/2008	:	
Attorney Docket Number: E-2533-1	:	

This is a decision in response to the renewed petition under 37 CFR 1.47(b) filed on February 24, 2009.

The petition is **GRANTED**.

Petitioner has shown that the sole inventor, Kevin J. Carbone, has refused to join in the filing of the above-identified application after having been provided a copy of the application. Specifically, petitioners have shown that a copy of the application was provided to the sole inventor by cover letter dated January 20, 2009, but that the inventor has not signed and returned the declaration. Accordingly, petitioner has shown that the non-signing inventor constructively refused to sign the declaration.

Additionally, petitioner has shown, via the assignment of the application recorded in parent Application No. 10/060,631, of which the subject application is a continuation, that Rule 1.47(b) applicant CyberSoft, Inc., has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by Peter V. Radatti, President of CyberSoft, Inc., on behalf of the Rule 1.47(b) applicant, and has demonstrated that such action is necessary to preserve the rights of the parties.

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

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 renewed petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kevin J. Carbone
121 Brookview Lane
Pottstown PA 19464

MAILED

APR 0 1 2009

OFFICE OF PETITIONS

In re Application of
Kevin J. Carbone
Application No. 12/148,781
Filed: April 22, 2008
For: SOFTWARE VIRUS DETECTION METHODS, APPARATUS AND ARTICLES OF MANUFACTURE

Dear Mr. Carbone:

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

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

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

D Wood
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

HARDING, EARLEY, FOLLMER & FAIRLEY
86 THE COMMONS AT VALLEY FORGE
1288 VALLEY FORGE ROAD, PO BOX 750
VALLEY FORGE PA 19482-0750

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P.O. Box 1450
Alexandria, VA 22313-1450
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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

COPY MAILED

JAN 13 2009

In re Application of	:	
Hiroshi Watanabe	:	
Application Number: 12/148797	:	DECISION GRANTING PETITION
Filing Date: 04/22/2008	:	
Attorney Docket Number:	:	
08270/LH	:	

This is a decision on the "REQUEST FOR CORRECTED FILING RECEIPT TO CORRECT FILING DATE OF APPLICATION," filed on November 14, 2008, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of April 22, 2008, rather than the previously-accorded filing date of April 21, 2008.

Petitioner asserts that the application was deposited in Express Mail Service on April 22, 2008. In support, petitioner has provided a copy of the Express Mail Customer Label EM165824579US. Although the "date-in" on the Express Mail label is illegible, a review of the USPS's Intranet Track/Confirm database showing that Express Mail Item EM165824579US (the same Express Mail number found on the itemized application transmittal sheet accompanying the original application papers located in the official file) was accepted by the USPS on April 22, 2008.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on April 22, 2008, as shown by the USPS track and confirm database printout. Accordingly, this application is entitled to a filing date of April 22, 2008, and has been so accorded.

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

It is noted that the Corrected Filing Receipt mailed on January 2, 2009 reflects the correct filing date of April 22, 2008. Accordingly, the filing date does not need to be updated.

This application is referred to the Office of Patent Application Processing for further processing with the presently accorded filing date of April 22, 2008.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3231. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Douglas Wood
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Eiji Shirota	: DECISION ON REQUEST FOR
Patent Number	: 7643223	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/148,802	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/21/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APR 28 2010

OFFICE OF PETITIONS

INTARCIA THERAPEUTICS, INC
ATTN: BARBARA G. MCCLUNG
24650 INDUSTRIAL BLVD
HAYWARD, CA 94545

In re Application of	:
Thomas R. Alessi, et al.	:
Application No. 12/148,896	: DECISION ON PETITION
Filed: April 22, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. INT 026.10	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 21, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1646 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/148,896	04/22/2008	1646	580	INT 026.10	20	1

CONFIRMATION NO. 4399

CORRECTED FILING RECEIPT

74866
Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

OC000000041333769

Date Mailed: 04/28/2010

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)

Thomas R. Alessi, Hayward, CA;
Ryan D. Mercer, Dublin, CA;
Catherine M. Rohloff, Los Altos, CA;
Bing Yang, Redwood City, CA;

Power of Attorney:
Barbara McClung--33113
Gary Fabian--33875

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/926,005 04/23/2007
and claims benefit of 61/072,202 03/28/2008
and is a CIP of 11/347,562 02/03/2006
which claims benefit of 60/650,225 02/03/2005

Foreign Applications

If Required, Foreign Filing License Granted: 05/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/148,896**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Suspension formulations of insulinotropic peptides and uses thereof

Preliminary Class

514

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

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MAR 11 2010

In re Application of Gilberto Antonio Possa Application No. 12/148,939 Filed: April 22, 2008 Attorney Docket No. **3194-8898US**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 29, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

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

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

cc: **Paulo Roberto Toledo Correa**
Toledo Correa Marcas E Patentes S/C Ltda,
Rua Ferreira Penteado
709-3 Andar
Campinas-Sao Paulo CEP13010-041
Brazil

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, UT 84110

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Gilberto Antonio Possa	:	
Application No. 12/148,939	:	DECISION ON PETITION
Filed: April 22, 2008	:	TO WITHDRAW
Attorney Docket No. 3194-8898US	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R.§ 1.36(b), filed 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. 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 Laurence B. Bond on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Gilberto Antonio Possa at the address indicated below.

The application became abandoned for failure to timely respond to the Office action mailed November 16, 2009.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Gilberto Antonio Possa**
Rua Iraja, 83, Caminhos de San Cornado
Campinas, Sao Paulo, 13.104-112
BRAZIL

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/148,939	04/22/2008	Gilberto Antonio Possa	3194-8898US

CONFIRMATION NO. 4771

POWER OF ATTORNEY NOTICE

24247
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

OC000000041753373

Date Mailed: 05/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/16/2010.

- 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.

/tsjohnson/

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

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

In re Application of
Weingarten, Meng, Sikorski, Ng, and Zhang
Application No. 12/148,966
Filed: April 23, 2008
Attorney Docket No. 04676.105126US ATH 245
For: SULFONAMIDE CONTAINING COMPOUNDS FOR TREATMENT OF INFLAMMATORY DISORDERS

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

This is a decision on the petition under 37 CFR 1.47(a) filed November 14, 2008.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on April 23, 2008 and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on May 15, 2008, requiring a proper oath or declaration and allowing an extendable period for reply of two months from its mailing date. The instant petition was filed on November 14, 2008, with a request for an extension of time within the fourth month.

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

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

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

(3) the petition fee,

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

The instant petition lacks item (2) as set forth above.

As to item (2), Section 409.03 of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602 § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning inventor as required by 37 CFR 1.64. An oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The declaration filed on November 14, 2008, is defective in form because the signature blocks for the inventors are not contained in one cohesive document; the inventors cannot, therefore, be said to be signing on their behalf and on behalf of the non-signing inventor. It is also noted that there is no blank signature block for inventor Ng. Petitioner must file a declaration that with signature blocks for all of the inventors with the pages number consecutively. Alternatively, if it problematic for petitioner to get all the inventors to sign one declaration, petitioner may file several declarations signed by the inventors, but the all the declarations must contain all the signature blocks for all of the inventors with the pages numbered consecutively. A proper declaration, preferably one that is formatted according to MPEP § 409.03 cited above, must accompany any renewed petition filed.

The petition fee of $200.00 will be charged to deposit account 11-0980.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

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JUL 13 2009

OFFICE OF PETITIONS

In re Application of
Weingarten, Meng, Sikorski, Ng, and Zhang
Application No. 12/148,966
Filed: April 23, 2008
Attorney Docket No. 04676.105126US ATH 245
For: SULFONAMIDE CONTAINING COMPOUNDS FOR TREATMENT OF INFLAMMATORY DISORDERS

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

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 21, 2009.

The petition is **GRANTED**.

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

The above-identified application was filed on April 23, 2008 and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on May 15, 2008, requiring a proper oath or declaration and allowing an extendable period for reply of two months from its mailing date. A petition under 37 CFR 1.47(a) was filed on November 14, 2008, with a request for an extension of time within the fourth month and dismissed by a decision mailed December 5, 2008.

Petitioner has shown that inventor Ng cannot be located join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing 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 will be forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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CHAMELEON SCIENTIFIC CORPORATION
AKA IONIC FUSION CORPORATION
13355 10TH AVENUE NORTH
SUITE 108
PLYMOUTH, MN 55441

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JUL 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Daniel M. Storey, et al.	:	
Application No. 12/148,971	:	DECISION ON PETITION
Filed: April 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. IFC-113US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant Barbara S. Kitchell's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 3738 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER NY 14604

COPY MAILED
JUN 09 2009
OFFICE OF PETITIONS

In re Application of :
Leo Moreau :
Application No. 12/148,973 : ON PETITION
Filed: April 24, 2008 :
Attorney Docket No. 043927-004224-USC1 :

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

The petition under 37 CFR 1.137(b) is **DISMISSED** as moot.

The Office mailed a Notice of Allowance in the above application on February 10, 2009. This Notice set a statutory period of three months for transmittal of the issue and publication fees. On May 11, 2009, applicant timely paid the issue and publication fees, together with submission of the issue fee transmittal form (Form PTOL-85b). The submission was made timely by the fact that May 10, 2009 fell on a Sunday. See 37 CFR 1.7(a). As such, the application is not abandoned, and the petition to revive is dismissed as moot.

The petition fee of $1640 has been refunded to Deposit Account No. 14-1138.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,028	04/25/2008	Hyoung-Bin Park	302/110	6033

7590 06/30/2010
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jackson

Patent Publication Branch
Office of Data Management

Refund Regs
06/30/2010 [illegible]

Credit Card Refund Total $710.00

Adjustment date: 06/30/2010 NFHRMER
04/26/2006 SZEUDIE1 00000047 12149028
02 FC:1111 -510.00 OP
04 FC:1202 -200.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,059	04/25/2008	Toru Furuya	KAK-0030	5500

23353 7590 02/17/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
02/17/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of: FURUYA et al.
Application No. 12/149,059
Filed: April 25, 2008
For: QUERY PROCESSING SYSTEM OF A DATABASE USING MULTI-OPERATION PROCESSING UTILIZING A SYNTHETIC RELATIONAL OPERATION IN CONSIDERATION OF IMPROVEMENT IN A PROCESSING CAPABILITY OF A JOIN OPERATION

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 December 11, 2008 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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. Item 5 above. Specifically,

1. Applicanr failed to submit 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), and a statement that the translation is accurate.

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

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.
12/149,059	04/25/2008	Toru Furuya	KAK-0030	5500

23353 7590 03/18/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER
GAFFIN, JEFFREY A

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of: FURUYA et al.
Application No. 12/149,059
Filed: April 25, 2008
For: QUERY PROCESSING SYSTEM OF A DATABASE USING MULTI-OPERATION PROCESSING UTILIZING A SYNTHETIC RELATIONAL OPERATION IN CONSIDERATION OF IMPROVEMENT IN A PROCESSING CAPABILITY OF A JOIN OPERATION

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 13, 2009 to make the above-identified application special.

The Request and Petition is **GRANTED.**

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

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

Or

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

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

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

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

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

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

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

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

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

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

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

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

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

/Mano Padmanabhan/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/149,068	04/25/2008	Shigemasa Hirooka	136511	5745

7590 07/22/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
07/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/22/2009 NFARMER 0000168096

CHECK Refund Total: $510.00

Adjustment date: 07/22/2009 NFARMER
04/28/2008 SZEWDIE1 00000094 12149068
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

8/26/09

In re Application of	:
HIROOKA, SHIGEMASA	: DECISION ON REQUEST TO
Application No. 12/149,083	: PARTICIPATE IN PATENT
Filed: April 25, 2008	: PROSECUTION HIGHWAY
Attorney Docket No: 136598	: PROGRAM AND PETITION
For: CONTROL APPARATUS AND CONTROL	: TO MAKE SPECIAL UNDER
METHOD FOR NEGATIVE PRESSURE	: 37 CFR 1.102(d)
GENERATING APPARATUS	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 10, 2009, to make the above-identified application special.

The request is **GRANTED**.

Discussion

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

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

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

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

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

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

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

7. The required petition fee of $130.00 under 37 CFR 1.17(h) has been charged to the Deposit Account #15-0461.

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

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested document is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status. Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

This 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. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Devon Kramer, Art Unit 3746, at 571-272-7118 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

The petition make special is GRANTED.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
JAN 09 2009

In re Application of:	:	
Wagner et al.	:	
Application No. 12/149086	:	DECISION DISMISSING
Filing or 371(c) Date: 04/25/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
ACTIVATION OF NUCLEAR FACTOR	:	
KAPPA B	:	

This is in response to the Petition Under 37 CFR § 1.47(a), filed November 17, 2008, and supplemented December 3, 2008, with an oath or declaration executed by the previously nonsigning inventor.

The Declaration has been entered and made of record.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the Petition is considered to be 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 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JAN 07 2009

OFFICE OF PETITIONS

In re Application of	:
Alston et al.	: DECISION ACCORDING STATUS
Application Number: 12/149095	: UNDER 37 CFR 1.47(a)
Filing Date: 04/25/2008	:
Attorney Docket Number: 075397-0126	:

This is in response to the petition under 37 CFR 1.47(a) filed on December 12, 2008.

The petition is **GRANTED**.

Petitioners have shown, via the Statement of Facts for Petition Under 37 C.F.R. § 1.47 of registered patent practitioner Howard N. Shipley, that a copy of the application as filed was sent to the last known address of the non-signing inventor, Larry Knight by Federal Express, but that the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Gerald Allen Alston and Justin Dobbs.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

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

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

Receipt of the petition fee is acknowledged.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Larry Knight
414 Melvin Drive
Jefferson GA 30549

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JAN 07 2009

OFFICE OF PETITIONS

In re Application of
Alston et al.
Application No. 12/149,095
Filed: April 25, 2008
For: POWER GENERATION AND BATTERY MANAGEMENT SYSTEMS

Dear Mr. Knight:

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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

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MAY 12 2009

OFFICE OF PETITIONS

In re Application of
Thomas E. Wagner It al.
Application No. 12/149,097
Filed: April 25, 2008
Attorney Docket No. **035879-0277**

ON PETITION

This is in response to the petitions filed November 14, 2008 and December 3, 2008 under 37 CFR 1.47(a).

A Notice to File Missing Parts was mailed May 15, 2008 noting that the oath or declaration was missing. The Notice set a two month period for response. A proper response to a Notice to File Missing Parts can be either an executed oath or declaration or a petition under 37 CFR 1.47. A timely petition under 37 CFR 1.47 was filed November 14, 2008 with a four month extension of time request, however, prior to consideration of the petition, on December 3, 2008 with an additional extension of time request, petitioners have filed a Supplemental Petition under 37 CFR 1.47 and now provided an oath or declaration executed by the previously non-signing inventor, Gunter Schwamberger, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, no consideration of the petition under 37 CFR 1.47(a) is necessary.

Therein, the petition filed November 14, 2008 is **DISMISSED** as involving moot issues. The petition fee in the amount of $130.00 will be credited back to deposit account 19-0741.

This application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Yasuo KOTAKI, et al. :
Application No. 12/149,123 : DECISION GRANTING PETITION
Filed: April 28, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **01272.108217.2** :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 4, 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 2861 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,189	04/29/2008	Yu-Liang Tsai	TSAI3218/EM	7074

7590 02/23/2010
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
02/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Harris

Patent Publication Branch
Office of Data Management

Receipt Date: 02/24/2010 NFANCER 00172052[illegible]
DATE:02/23/2010 Name/Number:12149189
FCs 5E24 [illegible] UR

Adjustment date: 02/24/2010 NFANCER
04/30/2008 NAHMED1 00000025 12149189
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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

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NOV 03 2008

OFFICE OF PETITIONS

In re Application of Forsell :
Application No. 12/149,207 : Decision on Petition
Filing Date: April 29, 2008 :
Attorney Docket No. RAM-2333-191 :

This is a decision on the petition filed July 10, 2008, requesting entry of page 28 of the specification submitted on July 10, 2008.

The petition is **dismissed**.

When material is missing from an application, and one wishes to rely on an explicit incorporation by reference or an implicit incorporation by reference under 37 CFR 1.57 to add the material, the proper route to take to add the material depends on whether or not the application has been accorded a filing date.

When an application has not been accorded a filing date because the Office has determined the material is essential, such as when all the pages including the claims are missing, then one must file a petition and amendment to add the missing material. However, if the application has been accorded a filing date, then an amendment, but not a petition, is necessary to add the material. Since the present petition was not necessitated by any error on the part of the Office, the $400 petition fee will not be refunded.

The amendment filed by petitioner seeking to add the missing page to the specification will be reviewed by the examiner in due course to determine if adding page 28 to the specification adds new matter. If page 28 was part of an application incorporated by reference, then the addition of page 28 will not be considered new matter.

The Office of Patent Application Data Processing will continue processing the application with a filing date of April 29, 2008, using only the application papers filed on April 29, 2008.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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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.
12/149,260	04/29/2008	Tomonori KIMURA	01-1676	6773

23400 7590 12/01/2009
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BERHANE, ADOLF D

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
12/01/2009	PAPER

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

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

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

In re Application of	
Tomonori KIMURA	**: DECISION ON REQUEST TO**
Application No.: 12/149260	**: PARTICIPATE IN THE PATENT**
Filed: 29 April 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 01-1676	**: PROGRAM AND PETITION**
For: POWER CONVERSION CIRCUIT,	**: TO MAKE SPECIAL UNDER**
DRIVING METHOD AND DRIVE UNIT	**: 37 CFR 1.102(d)**
THEREFOR	

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 16 October 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

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

    or

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

or

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

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

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

Regarding the requirement of condition (2), Petitioner has failed to provide a copy of the allowed claims for the JPO application.

A proper response in this case must include:

(a) a copy of the allowed claims for the JPO application.

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

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

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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

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

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,260	04/29/2008	Tomonori KIMURA	01-1676	6773

23400 7590 01/20/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BERHANE, ADOLF D

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
01/20/2010	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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12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	
Tomonori KIMURA	**: DECISION ON REQUEST TO**
Application No.: 12/149260	**: PARTICIPATE IN THE PATENT**
Filed: 29 April 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 01-1676	**: PROGRAM AND PETITION**
For: POWER CONVERSION CIRCUIT,	**: TO MAKE SPECIAL UNDER**
DRIVING METHOD AND DRIVE UNIT	**: 37 CFR 1.102(d)**
THEREFOR	

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 16 October 2009 and renewed on 08 December 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

or

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

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

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

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

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

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OCT 26 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Lee	:	
Application No. 12/149,270	:	DECISION ON PETITION
Filed: April 29, 2008	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
5050/0112PUS1	:	
Title: ADJUSTMENT MECHANISM FOR	:	
ARMREST	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 22, 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 Notice of Missing Parts (notice), mailed May 22, 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 July 23, 2008. A notice of abandonment was mailed on February 19, 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, the basic filing, search, and examination fees along with the surcharge associated with the late submission of the same, and the proper statement of unintentional delay. 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 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 revival 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.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 See Rule 1.137(d).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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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.
12/149,276	04/29/2008	John Byers Rogan	099107.00009	6975

7590 01/07/2009
HOLLAND & KNIGHT LLP
2099 PENNSYLVANIA AVE
SUITE 100
WASHINGTON, DC 20006

EXAMINER
HAN, SHENG

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
01/07/2009 NFARMER 0000165703

CHECK Refund Total: $510.00

Adjustment date: 01/07/2009 NFARMER
04730/2008 EAREGAY1 00000030 12149276
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
P.O. Box 1450
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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Shchepinov	:	DECISION GRANTING STATUS
Application No. 12/149,319	:	UNDER 37 CFR 1.47(b)
Filed: April 30, 2008	:	
Attorney Docket No. 2008_0787A	:	

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

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Mikhail S. Shchepinov, 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(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.

Regarding fees, petitioner paid a $130.00 petition fee on December 22, 2008. The current Rule 47 petition fee is $200.00. Pursuant to petitioner's authorization, deposit account no. 23-0975 will be charged the $70.00 balance due.

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) 272-3230.

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
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Alexandria, VA 22313-1450
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MIKHAIL S. SHCHEPINOV
8 BARNS HAY
OLD MARSTON
OXFORD
OX3 0PN
UNITED KINGDOM

COPY MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Shchepinov	:	LETTER
Application No. 12/149,319	:	
Filed: April 30, 2008	:	
Attorney Docket No. 2008_0787A	:	

Dear Mr. Shchepinov:

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: WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,324	04/30/2008	Sang-Yeol Hur	302/113	7454

7590 11/04/2009

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

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 0030076438

Credit Card Refund Total: $510.00

No Exp..: XXXXXXXXXXX1033

Adjustment date: 11/05/2009 NFARMER
05/01/2008 MAHMED1 00000067 12149324
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of
Shchepinov and Bernad
Application No.: 12/149,357
Filed: April 30, 2008
Attorney Docket No: 2008-0786A
For: AMINO MODIFIERS

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed December 22, 2008.

The petition is **GRANTED**.

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

The above-cited application was filed on April 20, 2008, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on June 20, 2008, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. On December 22, 2008, the instant petition was filed with a request for an extension of time within the fourth month.

Petitioner has shown that inventor Shchepinov cannot be located to join the prosecution of the application or has constructively refused to join the filing of the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The fee for the instant petition is $200.00. Deposit account 23-0975 will be charged an additional $70.00 accordingly.

This application will be forwarded to the Office of Patent Application Processing for further review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/149,386	04/30/2008	Michiyasu Nosaka	12-107	7298

7590 09/23/2009
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BOWES, STEPHEN M

ART UNIT	PAPER NUMBER
3657	

MAIL DATE	DELIVERY MODE
09/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/24/2009 NFARMER 0014154700
DA#:501147 Name/Number:12149386
FC: 9204 $510.00 CR

Adjustment date: 09/24/2009 NFARMER
07/11/2008 AWONDAF1 00000091 12149386
04 FC:1111 -510.00 OP

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.
12/149,448	05/01/2008	Jin-Seek Choi	P58697	8122

7590 11/05/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HAUGHTON, ANTHONY MICHAEL

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repin. Ref: 11/06/2009 NFARMER 0014372700
DA#:024945 Name/Number:12149448
FC: 9234 0510.00 OR

Adjustment date: 11/06/2009 NFARMER
05/02/2008 HDESTA1 00000342 12149448
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

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NOV 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Paschkowski et al.	:	
Application No. 12/149,498	:	DECISION ON PETITION
Filed: May 2, 2008	:	
Attorney Docket No. 136917	:	

This is a decision on the petition under 37 CFR 1.182, filed, August 15, 2008, to change the name of inventor "Doreen Scheidler" to – Doreen Janke –.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1794 for further examination on the merits.

/SDB/

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
12/149,498	05/02/2008	1794	2110	136917	39	2

CONFIRMATION NO. 8512

REPLACEMENT FILING RECEIPT

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

OC000000033147398

Date Mailed: 11/17/2008

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)

Kai Paschkowski, Jort, GERMANY;
Doreen Janke, Bonningstedt, GERMANY;
Urs Burckhardt, Zurich, SWITZERLAND;
Mario Slongo, Tafers, SWITZERLAND;

Assignment For Published Patent Application

SIKA TECHNOLOGY AG, Baar, SWITZERLAND

Power of Attorney: The patent practitioners associated with Customer Number 25944

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 07108058.4 05/11/2007

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 05/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/149,498**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Laminates joined by polyurethane hot-melt adhesive and process for bonding plasticizer-containing plastics

Preliminary Class

428

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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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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JUL 11 2008

In re Application of	:
Johannes Bossmann	:
Application No. 12/149,506	: DECISION GRANTING PETITION
Filed: May 2, 2008	:
Attorney Docket Number: **32368-258842**	:

This is a decision on the petition filed June 11, 2008, which is treated as a petition under 37 CFR 1.182.

The instant application was filed May 2, 2008 and a filing date was accorded. However, a Notice to File Missing Parts mailed May 22, 2008 indicated that the Oath or Declaration was missing.

Petitioner asserts that the Oath was among the papers filed on May 2, 2008 and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the application included an Oath and bears a United States Patent and Trademark Office date-stamp of May 2, 2008. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the evidence submitted supports the claim that the oath or declaration was timely filed and thus, the petition is **GRANTED.**

Given the basis for granting the petition, no petition fee or surcharge for late filing of the oath or declaration is due and none has been charged

This application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing, using the application papers received in the Office on May 2, 2008 and the Oath submitted with the petition on June 11, 2008.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 0 3 2009

Kenyon & Kenyon LLP
1500 K Street, N.W.
Suite 700
Washington, DC 20005

In re application of Hikokazu Akimoto Application No. 12/149,513 Filed: May 2, 2008 For: POWER OUTPUT APPARATUS, VEHICLE EQUIPPED WITH POWER OUTPUT APPARATUS, AND CONTORL METHOD OF POWER OUTPUT APPARATUS	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

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

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof if the JPO application is in a language other than English 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);

(6) Applicant must submit an IDS listing the documents cited by the foreign examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

(3) all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

The claims of the U.S. application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, the JPO application contains only one claim directed to a vehicle and does not contain any claims directed to a method of a power output apparatus. Accordingly, there are no JPO claims corresponding to U.S. claims 5-7.

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

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy". Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

/Teri P. Luu
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 8/31/09

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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SEP 22 2009

Kenyon & Kenyon LLP
1500 K Street, N.W.
Suite 700
Washington, DC 20005

In re application of Hikokazu Akimoto Application No. 12/149,513 Filed: May 2, 2008 For: POWER OUTPUT APPARATUS, VEHICLE EQUIPPED WITH POWER OUTPUT APPARATUS, AND CONTORL METHOD OF POWER OUTPUT APPARATUS	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 18, 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).

A first request to participated in the PPH program and petition to make special was filed on August 28, 2009. However, that request and petition was dismissed on September 3, 2009 because all the claims in the U.S. application did not sufficiently correspond or were amended to sufficiently correspond to the allowable/patentable claims in the JPO application.

In light of the preliminary amendment filed September 18, 2009 cancelling claims 5-7, the renewed request and petition now comply with the above requirements. Accordingly, the above identified application has been accorded "special" status.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 9/21/09

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Hikokazu Akimoto	: DECISION ON REQUEST FOR
Patent Number	: 7641009	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/149,513	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **97** 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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DOSTER GREENE, LLC
#215
2 WISCONSIN CIRCLE SUITE 700
CHEVY CHASE MD 20815

MAILED

APR 23 2009

OFFICE OF PETITIONS

Applicant: Kramer
Appl. No.: 12/149,540
Filing Date: May 2, 2008
Title: SYSTEM AND METHOD FOR A MODULAR USED CONTROLLED SEARCH ENGINE
Attorney Docket No.: 1006-00-PT2
Pub. No.: US 2008/0208826 A1
Pub. Date: August 28, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 27, 2008, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the priority data filed in the preliminary amendment of May 2, 2008 was not published.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. As stated in 37 CFR 1.215, "[t]he patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. The patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) **that are reflected in a substitute specification** under § 1.125(b)." (emphasis added)

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

The alleged priority error, comprising failure to publish material presented in a preliminary amendment, is not an Office error, since the amendments to the specification at issue were not reflected in a substitute specification, which incorporated the amendment. Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements. See 37 CFR 1.215 and MPEP 1121. Applicant's attention is directed to MPEP 1130(B), which clearly states "failure to include an amendment is not an Office error."

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 October 27, 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 Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 08 2009

OFFICE OF PETITIONS

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

In re Application of	:	
Andrew John EDE et al.	:	
Application No. 12/149,597	:	DECISION ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No. 064886-0109	:	

This is a decision on the petition filed March 9, 2009, to revive the above-identified application under the unavoidable provisions of 37 CFR 1.137(a), and alternatively under the unintentional provisions of 37 CFR 1.137(b).

The petition to revive under the unavoidable provisions of 37 CFR 1.137(a) is **DISMISSED.**

The petition to revive under the unintentional provisions of 37 CFR 1.137(b) is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on July 27, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

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 unavoidable. See 37 CFR 1.137(a). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner contends that the Notice mailed May 27, 2008, was never received by Applicants' representative and, thus, there was no possibility to avoid the abandonment of the application. A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

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

Petitioner has not satisfied item (3) above. The copy of the master docket report included with the instant petition covers only the period from May 27, 2008, to June 5, 2008; a period that is

less than the two-month period set for reply in the Notice. The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

While the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, the showing of record is sufficient to establish that the entire delay in filing the petition was unintentional.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of May 27, 2008, is accepted as having been unintentionally delayed.

The petition fee of $1620 required for consideration of a petition under the unintentional provisions of 37 CFR 1.137(b), has been charged to Deposit Account No. 19 – 0741, as authorized.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

This application is being referred to the Office Patent Application Processing for appropriate action in the normal course of business on the reply received.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/27/09

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 12149606 Patent No.: 7524648 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 (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: The corrcetions to the title, columns 7 and 47 are entered. However, the corrections to Figures 2A-2B and the corrections to the sequence listing will not be entered because amending the originally filed DNA sequence and its corresponding polypeptide sequence silmultaneously, inroduces new matter.

Monshipouri, M., Primary Examiner, AU 1656, 9/10/09

ANDREW WANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1656

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/17/10

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 12149606 Patent No.: 7524648

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

[redacted]

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

_____

/Manjunath Rao/ — **SPE**

1656 — **Art Unit**

PAGE 2/2 * RCVD AT 4/9/2010 12:54:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/0 * DNIS:2709990 * CSID:USPTO * DURATION (mm-ss):00-00

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
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,524,648 B2

APPLICATION NO.: 12/149,606

ISSUE DATE : April 28, 2009

INVENTOR(S) : Chen; Ming-Yu, Chuang; Chin-Kai, Su; Yu-Hsyu, Fan; Chiu-Ting, Yu; Jung-Chuan, Lee; Wen-Chuan

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:

In the drawing, Sheet 2 of 15, consisting of FIG. 2A, should be replaced with the corrected FIG. 2A as shown on the attached Sheet 2 of 15.

In the drawing, Sheet 3 of 15, consisting of FIG. 2B, should be replaced with the corrected FIG. 2B as shown on the attached Sheet 3 of 15.

Cols. 21 and 23;

In the SEQUENCE LISTING, SEQ ID NOs: 3 and 4 should be replaced with the corrected SEQ ID NOs: 3 and 4 as shown on the attached pages.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Hsiu-Ming Saunders, Ph.D., J.D.
IPC INTELLECTUAL PROPERTY CONNECTIONS, INC.
299 Old County Road, Suite 28, SAN CARLOS, CA 94070, USA

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

pET-22b-PTD$_1$

```
                                  T7 primer
                                 ---------->
AGATCT CGATCCCCGCGAAAT TAATACGACTCACTAT AGG GGAATTGTGAGCGGATAACAATTCC CC TCTAGA AATAATTTTGTTTAACTTTAA
 BglII                  T7 promoter                lac operator            XbaI

                        NdeI
CTTTAAGAAGGAG ATATA CAT ATG TAT GGT CGT AAG AAA CGT CGT CAG CGT CGT CGT GTG
          rbs            Met Tyr Gly Arg Lys Lys Arg Arg Gln Arg Arg Arg Val

 BamHI     EcoRI     SacI      SalI     HindIII    NotI       XhoI
GGG ATC CG AAT TCG AGC TCC GTC GAC AAG CTT GCG GCC GCA CTC GAG
Gly Ile    Asn Ser Ser Ser Val Asp Lys Leu Ala Ala Ala Leu Glu

CAC CAC CAC CAC CAC CAC TGA GATCCGGCTGCTAACAAAGCCCGAAAGGAAGCTGAGTTGGCTGCTGCCACCGCTGAGCAATAA
His His His His His His stop
          His-tag

CTAGCATAACCCCTTGGGGCCTCTAAACGGGTCTTGAGGGGTTTTTTG
                T7 terminator
```

FIG. 2A

pET-22b-PTD$_1$-J$_1$

T7 primer

AGATCT CGATCCCCGCGAAAT TAATACGACTCACTAT AGG GGAATTGTGAGCGGATAACAATTCC CC TCTAGA AATAATTTTGTTTAACTTTAA

*Bgl*II — T7 promoter — lac operator — *Xba*I

*Nde*I

CTTTAAGAAGGAG ATATA CAT ATG TAT GGT CGT AAG AAA CGT CGT CAG CGT CGT CGT GTG

rbs — Met Tyr Gly Arg Lys Lys Arg Arg Gln Arg Arg Arg Val

*Bam*HI

GGG ATC CTG GGT AAA GAT TAC TAC CAG ACT CAC GGT CTC GCT CGT GGT GCA TCT GAT GAT GAA ATC AAA CGT GCT TAC CGT CGT CAG GCA CTG CGT TAC

Gly Ile Leu Gly Lys Asp Tyr Tyr Gln Thr His Gly Leu Ala Arg Gly Ala Ser Asp Asp Glu Ile Lys Arg Ala Tyr Arg Arg Gln Ala Leu Arg Tyr

CAT CCA GAC AAA AAC AAA GAA CCG CGT GCA GAA GAG AAA TTC AAA GAG ATC GCA GAA GCA TAC GAC GTT CTG AGC GAT CCA CGT AAA CGT GAA ATC TTC

His Pro Asp Lys Asn Lys Glu Pro Arg Ala Glu Glu Lys Phe Lys Glu Ile Ala Glu Ala Tyr Asp Val Leu Ser Asp Pro Arg Lys Arg Glu Ile Phe

GAC CGT TAC GGT GAA GAA GGT CTG AAA GGT GGT TCT GGT GGT GC

Asp Arg Tyr Gly Glu Glu Gly Leu Lys Gly Gly Ser Gly Gly Ala

*Eco*RI — *Sac*I — *Sal*I — *Hind*III — *Not*I — *Xho*I

G AAT TCG AGC TCC GTC GAC AAG CTT GCG GCC GCA CTC GAG

Asn Ser Ser Ser Val Asp Lys Leu Ala Ala Ala Leu Glu

CAC CAC CAC CAC CAC CAC TGA GATCCGGCTGCTAACAAAGCCCGAAAGGAAGCTGAGTTGGCTGCTGCCACCGCTGAGCAATAA

His His His His His His stop

His-tag

CTAGCATAACCCCTTGGGGCCTCTAAACGGGTCTTGAGGGGTTTTTTG

T7 terminator

FIG. 2B

12/149,606

<210> 3
<211> 72
<212> PRT
<213> Homo sapiens

<400> 3

Gly Lys Asp Tyr Tyr Gln Thr His Gly Leu Ala Arg Gly Ala Ser Asp
1 5 10 15

Asp Glu Ile Lys Arg Ala Tyr Arg Arg Gln Ala Leu Arg Tyr His Pro
20 25 30

Asp Lys Asn Lys Glu Pro Arg Ala Glu Glu Lys Phe Lys Glu Ile Ala
35 40 45

Glu Ala Tyr Asp Val Leu Ser Asp Pro Arg Lys Arg Glu Ile Phe Asp
50 55 60

Arg Tyr Gly Glu Glu Gly Leu Lys
65 70

<210> 4
<211> 216
<212> DNA
<213> Artificial Sequenece

<220>
<223> HSP40 J-domain (J1)-encoding sequence

<400> 4
ggtaaagatt actaccagac tcacggtctc gctcgtggtg catctgatga tgaaatcaaa 60

cgtgcttacc gtcgtcaggc actgcgttac catccagaca aaaacaaaga accgcgtgca 120

gaagagaaat tcaaagagat cgcagaagca tacgacgttc tgagcgatcc acgtaaacgt 180

gaaatcttcg accgttacgg tgaagaaggt ctgaaa 216

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WALTER OTTESEN
PO BOX 4026
GAITHERSBURG MD 20885-4026

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of
Hermann HAMMER
Application No. 12/149,621
Filed: May 6, 2008
Attorney Docket No. 05386

DECISION ON PETITION

This is a decision on the petition, filed March 3, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 24, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A one (1) extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 25, 2009.

The Office has determined the reply received September 3, 2009, was timely filed. Accordingly, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries relating to this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3632 for appropriate action in the normal course of business.

Thurman K. Page
Petitions Examiner
Office of Petitions

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,676	05/06/2008	Cha-Won Hwang	P58779	1140

7590 07/06/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
FEATHERLY, HANA SANEI

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
07/06/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/02/2010 NFARMER
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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.
12/149,685	05/06/2008	Daisuke Tokumochi	MNL-2018-1983	1209

7590 08/06/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
AN, MENG AI T

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
08/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073097

Credit Card Refund Total: $720.00

Ac Exp..: XXXXXXXXXXX2021

Adjustment date: 08/07/2009 NFARMER
06/17/2008 JADDO1 00000135 12149685
02 FC:1111 -510.00 OP
04 FC:1201 -210.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Shih-Kun Yeh
Application No.: 12/149,690
Filed: May 6, 2008
Attorney Docket No: 7004.136

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed February 12, 2010.

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

On May 27, 2008, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extensions of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period, and the application became abandoned on July 28, 2008. A Notice of Abandonment was mailed on February 6, 2009.

The fees paid February 12, 2010, are noted.

The address cited on the petition differs from the address of record. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Foo-Jung Tsai
1F No. 1-1 Wang Tzu Street
Chung-Li City
Taoyuang County
Taiwan ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 15 2009

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re application of Kenji Sato Application No. 12/149,715 Filed: May 7, 2008 For: VEHICLE DECK STRUCTURE	: DECISION ON REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 3, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

(6) 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 publications.

Specifically, the JPO application cites JP 07-011488 under the section heading "RECORD OF PRIOR ART LITERATURE SEARCH RESULT." However, this document is not listed on the IDS filed June 22, 2009. Accordingly, the request and petition to make special fails to meet the guidelines of the PPH program.

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

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

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

12/11/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/149,728	05/07/2008	Yoshitaka Nishigata	NEC07080US	1506

7590 07/17/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
STERRETT, JEFFREY L

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
07/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/17/2009 NFARMER 0000160050

CHECK Refund Total: $510.00

Adjustment date: 07/17/2009 NFARMER
05/08/2008 SZEWDIE1 00000041 12149728
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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MAR 30 2009

OFFICE OF PETITIONS

STAAS & HALSEY LLP
1201 NEW YORK AVENUE, N.W., SUITE 700
WASHINGTON, DC 20005

In re Application of :
Yasuhiro Ohmori et al :
Application No. 12/149,748 : DECISION ON PETITION
Filed: May 7, 2008 :
Attorney Docket No. 1344.1174D :

This is a decision on the petition, filed March 3, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non-final Office action of August 14, 2008, which set a two (3) month shortened statutory period for reply. Three month (3) extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before February 17, 2009 (February 14, 2009 being a Saturday and Monday February 16, 2009 being a holiday).

Office records show the reply was received on February 17, 2009, which includes the Amendment Fee Transmittal, Amendment, Replacement Figure 15, and three month (3) extension of time. Petitioner has submitted a copy of the previously filed papers which includes an USPTO date stamp post card receipt of February 17, 2009.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the non-final Office action of August 14, 2008 is hereby withdrawn and the application restored to pending status.

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

This matter is being referred to Technology Center AU 2874 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OFFICE OF PETITIONS

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

In re Application of
Cartledge et al.
Application No. 12/149,755
Filed: May 7, 2008
Attorney Docket No. 064385-5035

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed December 29, 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 items (1) and (2) 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). Rule 47 applicant has provided evidence that the application papers were mailed via Federal Express to non-signing inventors Sierra and Smith. A review of the documents sent to inventor Sierra shows that the application papers were left at the door without obtaining a signature. The package containing the application papers for inventor Smith was accepted by an unknown person named D. Cato. Petitioner cannot establish that the application papers were actually received. If the application papers were not received, than petitioner's failure to respond to the application papers cannot be construed as refusal. Did petitioner confirm that inventors Sierra and Smith continue to reside and/or receive mail at the address the application papers were mailed? Petitioner may wish to telephone or do a internet search to establish that the inventors continue to receive mail or reside at the addresses the application papers were delivered.

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.

If petitioner is unable to locate inventors Sierra and Smith, petitioner must establish "diligent effort" was used to locate the inventors. If the papers are returned and 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. See MPEP 409.03(a).

As to item (2), the signature block of inventor Burke contains non-initialed alterations to the declaration. A newly executed declaration by inventor Burke without alterations should be provided. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

Cc: Morgan Lewis & Bockius LLP
101 Park Avenue
New York, NY 10178-0060
ATTN: David C. Lee

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OFFICE OF PETITIONS

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

In re Application of	:	
Denise Cartledge, Henry Danis, Jay Jacobus,	:	DECISION GRANTING STATUS
Susan Burke, Michele Millington, Salvador	:	UNDER 37 CFR 1.47(a)
Sierra and Gwen Smith	:	
Application No. 12/149,755	:	
Filed: May 7, 2008	:	
Attorney Docket No. 064385-5035	:	
For: System and Method For Workflow	:	
Management	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 17, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors Sierra and Smith have 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.

A petition was dismissed on February 17, 2009. In order to make this reply timely deposit account no. 50-0310 will be charged the $2,350.00 five month extension of time.

This application is being referred to Art Unit 3623 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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OFFICE OF PETITIONS

Gwen Smith
613 Sandringham Drive
Alpharetta, GA 30004

In re Application of
Denise Cartledge, Henry Danis, Jay Jacobus, Susan Burke,
Michele Millington, Salvador Sierra and Gwen Smith
Application No. 12/149,755
Filed: May 7, 2008
Attorney Docket No. 064385-5035
For: System and Method For Workflow Management

Dear Madam:

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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

Gwen Smith
Axis Insurance
11680 Great Oaks Way, Suite 500
Alpharetta, GA 30022

UNITED STATES PATENT AND TRADEMARK OFFICE

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Salvador Sierra
419 North Chace NE
Sandy Springs, GA 30328

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OFFICE OF PETITIONS

In re Application of
Denise Cartledge, Henry Danis, Jay Jacobus, Susan Burke,
Michele Millington, Salvador Sierra and Gwen Smith
Application No. 12/149,755
Filed: May 7, 2008
Attorney Docket No. 064385-5035
For: System and Method For Workflow Management

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) 272-3215. 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: MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

Salvador Sierra
419 The North Choice NE
Atlanta, GA 30328

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

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OFFICE OF PETITIONS

In re Application of
Norbert Kunze et al.
Application No. 12/149,760
Filing Date: May 7, 2008
Attorney Docket No. 4929/0117PUS1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed May 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of basic filling fee, surcharge, search fee, and examination fee (2) the petition fee of $1,620 (3) a proper statement of unintentional delay.

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 1 0 2009

OFFICE OF PETITIONS

In re Application of :
Norbert Kunze :
Application No. 12/149,761 : DECISION ON PETITION
Filing Date: May 7, 2008 :
Attorney Docket No. 4929/0116PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed May 27, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of basic filling fee, surcharge, search fee, and examination fee (2) the petition fee of $1,620 (3) a proper statement of unintentional delay.

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

GUICE PATENTS, PLLC
12647 GALVESTON COURT, SUITE 302
MANASSAS, VA 20112

In re Application of
Shih-Jen **WANG, et al.**
Application No. 12/149,762
Filed: May 7, 2008
Attorney Docket No. **4602-0017**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 28, 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 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee of $165, surcharge fee of $65, application search fee of $270, examination fee of $110 and additional independent claim fee of $110; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Tsung-Hsun Yang	: DECISION ON REQUEST FOR
Patent Number	: 7612506	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/149,813	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARNOLD & PORTER LLP
555 TWELFTH STREET, N.W.
ATTN: IP DOCKETING
WASHINGTON DC 20004

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OFFICE OF PETITIONS

In re Application of	:	
Byrum	:	DECISION REFUSING STATUS
Application No. 12/149,825	:	UNDER 37 CFR 1.47(b)
Filed: May 8, 2008	:	
Atty. Dkt. No. 38-21(15598) D/P02075US04	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed September 11, 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 fails to satisfy requirements (1) and (2) set forth above.

As to item (1), petitioner has failed to establish that the non-signing inventor received a complete copy of the application (specification, including claims, drawings, and oath or declaration) and thereafter refused to sign the declaration.

Petitioner asserts that a declaration was presented to the legal representative of the non-signing inventor and that the inventor and the inventor's legal representative have refused to sign the declaration.

There is no indication that either the inventor or the legal representative of the inventor received a complete copy of the complete application papers (specification, including claims, drawings, and oath or declaration).

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition. See, MPEP 409.03.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it has not been properly executed on behalf of the non-signing inventor.

Any renewed petition should be accompanied by a proper oath or declaration wherein the name, address, residence, and citizenship of the inventor is set forth. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. See, MPEP 409.03(b).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARNOLD & PORTER LLP
555 TWELFTH STREET, N.W.
ATTN: IP DOCKETING
WASHINGTON DC 20004

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Byrum	:	DECISION GRANTING STATUS
Application No. 12/149,825	:	UNDER 37 CFR 1.47(b)
Filed: May 8, 2008	:	
Attorney Docket No. 16517.442/P02075US04	:	
	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed December 18, 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(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 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
Petitions Attorney
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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Joseph R. Byrum
913 31st Street
West Des Moines, Iowa 50265

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of
Byrum
Application No. 12/149,825
Filed: May 8, 2008
Attorney Docket No. 16517.442/P02075US04

Dear Sir:

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 at (571) 272- . 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
Petitions Attorney
Office of Petitions

cc: ARNOLD & PORTER LLP
555 TWELFTH STREET, N.W.
ATTN: IP DOCKETING
WASHINGTON DC 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Katsuya Miura	: DECISION ON REQUEST FOR
Patent Number	: 7613036	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/149,827	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDREWS KURTH LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1100
1350 I STREET, N.W.
WASHINGTON DC 20005

MAILED

MAR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher G. Cooney	:	
Application No. 12/149,865	:	ON PETITION
Filed: May 9, 2008	:	
Attorney Docket No. 181025	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2010, to revive the above-identified application. . This is also a decision under 37 CFR 1.182, filed March 11, 2010, to expedite the petition under 37 CFR 1.137(b).

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

The petition under 1.182 to expedite is **GRANTED**.

The request to expedite is properly treated as a petition under 37 CFR 1.182. The requirements of 37 CFR 1.182 to expedite the petition under 37 CFR 1.137(b) have been satisfied. Accordingly, the petition to revive the above identified application has been processed promptly. Deposit Account 50-2849 has been charged $400.00 for the petition under 37 CFR 1.182, as authorized.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 21, 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 August 22, 2009. A Notice of Abandonment was mailed January 28, 2010.

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center 1639 for further examination on the merits.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

AUG 17 2009

OFFICE OF PETITIONS

Applicant: Saunier et al.
Appl. No.: 12/149,871
Filing Date: May 9, 2008
Title: Method of Coloring Keratinous Fibers Comprising Application Of At Least One Aminopyrazolopyridine Oxidation Base In The Absence Of Chemical Oxidizing Agents
Attorney Docket No.: 05725.1721-00000
Pub. No.: US 2008/0289121 A1
Pub. Date: November 27, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 27, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error in optical character recognition error in a superscript (R'_1 and R'_2 printed as R_{11} and R_{12}).

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 and size 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

[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).

MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

Furthermore, the errors are not material errors, since the misprints do not alter the meaning of the text in such a manner to affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The meaning is clear from the context; there is no disclosure of a different R_{11} and R_{12} such that it would cause confusion, and furthermore, the specification accurately describes the claimed substituents, e.g., at paragraph 101 of the publication.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100430

DATE : May 03, 2010

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction on Patent No.: 7648536

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Harold Pyon
Supervisor Patent Examiner Art Unit 1796

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.
12/149,899	05/09/2008	Yuuichi Aoki	2635-616	2087

EXAMINER

7590 01/06/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
01/06/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

Refund Date: 01/07/2010 3038079475

Credit Card Refund Total: $720.02

Adjustment date: 01/07/2010 NFORMER
05/12/2008 DEMMANDI 00000025 12149899
02 FC:1111 -510.00 OP
04 FC:1201 -210.00 OP

FORM PET651G (Rev. 08/07)

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

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SEP 26 2008

In re Application of	:	
Colonna, et al.	:	
Application No. 12/149,930	:	DECISION ON PETITION
Filed: May 9, 2008	:	
Attorney Docket No. 059718-0109	:	

This is a decision on the "PETITION TO ACCORD FILING DATE UNDER 37 C.F.R. 1.57(a) & 1.182", filed August 4, 2008, requesting that the above-identified application be accorded a filing date of May 9, 2008, with Figures 14B as part of the original disclosure.

The petition is **DISMISSED** as inappropriate.

The instant application was filed on May 9, 2008. On June 3, 2008, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application". The Notice stated that the application had been accorded a filing date; however, Figures 14B of the drawings appeared to have been omitted.[1] The Notice set a two month non-extendable period for reply for applicants to: (1) contend the figure was present on filing, pay a $400 petition fee, and petition for that filing date, or (2) supply the missing figure, pay a $400 petition fee, and petition under 37 CFR 1.182 to accept the date of its deposit as the filing date of the application. Alternatively, applicants could accept the application as deposited in the USPTO but add the missing subject matter by relying on an incorporation by reference pursuant to 37 CFR 1.57.

In response, applicants paid a $400 petition fee and filed the present petition on August 4, 2008.

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[1] In addition, the Notice required the statutory basic filing fee, replacement drawings, and a Sequence Listing and statement.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> If a continuation or divisional application as originally filed on or after September 21, 2004 does not include an explicit incorporation by reference statement and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), applicant may be permitted to add the omitted material by way of an **amendment** under 37 CFR 1.57(a).[2]

Receipt of the amendment, submitted with the petition, is acknowledged.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of May 9, 2008, using the application papers received in the Office on that date. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

---

[2] MPEP 201.06(c). Emphasis added.

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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.
12/149,959	05/12/2008	Yun Jong Kim	075820-0061	3643

7590 02/17/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
02/17/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 02/18/2010 NFARMER
05/13/2008 JADDO1 00000020 588417 12149959
02 FC:1111 510.00 CR
04 FC:1202 100.00 CR

FORM PET651G (Rev. 08/07)

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DIW May-09

ERIC ROBINSON
PMB 955
21010 SOUTHBANK ST.
POTOMAC FALLS VA 20165

MAILED

MAY 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Osame et al.	:	
Application Number: 12/149977	:	DECISION ON PETITION
Filing Date: 05/12/2008	:	
Attorney Docket Number: 0756-8276	:	

This is a decision in reference to the letter filed on July 10, 2008, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of May 12, 2008, with Page 34 of the specification as a part of the original disclosure.

The petition is **granted**.

On May 12, 2008, the application was filed.

Accordingly, on June 10, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice to File Corrected Application Papers, stating that the application had been accorded a filing date of May 12, 2008, but that, *inter alia*, Page 34 of the specification (description and claims) appeared to have been omitted from the application.

In response, on July 10, 2008, the present petition was filed, along with Page 34 of the specification. Petitioners argue that Page 34 of the specification was filed with the other application papers on May 12, 2008, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' two (2) postcard receipts was supplied with the present petition. The postcard receipts both show an "Office date" stamp of May 12, 2008, and identifies the application by the first named inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "35 pages of Specification, claims and abstract." It is noted that one of the postcards has been annotated to including the application number and to state that the PTO did not receive "34

pages of clm." Petitioners request that the application, including Page 34 of the specification, be accorded a filing date of May 12, 2008.

A review of the record reveals that Pages 1-33 of the specification, including the claims, and Page 35 containing the abstract, were received on May 12, 2008. No Page 34 of the specification, including the claims and the abstract, is located among the papers received on that date. However, the evidence is convincing that the application papers deposited on May 12, 2008, included Page 34, which was subsequently misplaced in the Office. Therefore, the application, including Page 34 of the specification, containing claims, is entitled to a filing date of May 12, 2008.

The Notice to File Corrected Application Papers mailed on June 10, 2008, is vacated to the extent that it states that Page 34 appears to be missing.

Receipt of the corrected drawings required by the Notice mailed on June 10, 2008 is acknowledged.

In view of the above, the petition is granted. As the petition was not due to an error on the part of petitioner, no petition fee is due.

The application will be processed with Page 34 of the specification, containing claims, as a part of the original disclosure.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of May 12, 2008, using the application papers filed on that date and the copy of Page 34 of the specification, containing claims, supplied with the present petition, and for an indication in Office records that 11 claims were present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAIL

OCT 06 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
GOTO, YOSHIHIRO, et al.	:	DECISION ON REQUEST TO
Application No. 12/150,025	:	PARTICIPATE IN PATENT
Filed: April 24, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **5577-34**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 27, 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 A. Wieder

Kenneth Wieder
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
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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Larry A. Viterna	: DECISION ON REQUEST FOR
Patent Number	: 7612462	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/150,072	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/24/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **8** 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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WARD & OLIVO
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT, NH 07901

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APR 2 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Katherine READ, et al	:	
Application No. 12/150,088	:	DECISION ON PETITION
Filed: April 24, 2008	:	
Attorney Docket No. 392.022A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 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 15, 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 16, 2008.

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

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received March 13, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

cc: JOE H. SHALLENBURGER
382 SPRINGFIELD AVENUE,
SUITE 305
SUMMIT, NJ 07901

GLOV3002

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Paper 28

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

JAN 2007
Received
Bacon & Thomas
No.

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JAN 1 0 2007

OFFICE OF PETITIONS

In re Application of
GLOVER, et. al.
Application No. 09/470,997
Filed: December 23, 1999
Attorney Docket No. GLOV3002/REF

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the **renewed** petition under 37 CFR 1.137(b), filed November 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice), mailed April 8, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 9, 2002.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137 (b) in that (1) the reply in the form of an amendment and acceptable Sequence Listing ; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Accordingly, the reply to the office communication dated April 8, 2002 is accepted as having been unintentionally delayed.

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

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the

statement that the entire delay in filing the required reply from the due date of the reply for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. At 53160 and 53178; 1203 Off. Gaz. 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)).

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center 1644.

The application matter is being forwarded to Technology Center Art Unit 1644 for appropriate action on the concurrently filed amendment on November 15, 2006.

Frances Hicks
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN M. DESLIERRES
2337 E. BROOKDALE PLACE
FULLERTON, CA 92831-3501

COPY MAILED

JUN 0 9 2008

In re Application of	:	
DESLIERRES, et al.	:	
Application No. 12/150,125	:	DECISION ON PETITION
Filed: April 24, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a copy of inventor John M. Deslierres's passport, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/150,245	04/24/2008	Craig Bailey	BAIC01	5735

7590 11/03/2009
RYLANDER & ASSOCIATES PC
406 West 12th Street
Vancouver, WA 98660

EXAMINER
SMALLEY, JAMES N

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Kaletris Buchanan

Patent Publication Branch
Office of Data Management

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Adjustment date: 11/03/2009  KKING1
04/28/2008 HDEMESS1 00000050 12150245
02 FC:2203                      -185.00 OP
03 FC:2111                      -255.00 OP


Refund Ref:
11/03/2009          0030076307
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Credit Card Refund Total:      $440.00

VISA....: XXXXXXXXXXXX2400
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FORM PET651G (Rev. 08/07)

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.
12/150,245	04/24/2008	Craig Bailey	BAIC01	5735

7590 11/03/2009
RYLANDER & ASSOCIATES PC
406 West 12th Street
Vancouver, WA 98660

EXAMINER
SMALLEY, JAMES N

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kalethia Buchanan

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Anderson et al.	:	DECISION ON PETITION
Application No. 12/150,252	:	TO WITHDRAW
Filed: April 25, 2008	:	FROM RECORD
Attorney Docket No. AC-09133-US-TR	:	

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 4, 2010.

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

A review of the file record indicates that on January 13, 2010 the power of attorney to Pearne & Gordon LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WPAT, PC
2030 Main Street
Suite 1300
Irvine CA 92614

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of	:
Eilers et al.	:
Application Number: 12/150280	: DECISION DISMISSING PETITION
Filing Date: 04/24/2008	:
Attorney Docket Number: 209,499	:
	:

This is a decision in reference to the "PETITION UNDER 37 CFR 1.57(a)," filed on June 20, 2008, requesting that the above identified application, which was filed on April 24, 2008, include Figure 4.

The petition is dismissed.

On April 24, 2008, the application was filed. The application papers included, *inter alia*, three (3) sheets of drawings including Figures 1, 2, and 3, as well as a reference in the specification to Figure 4.

Accordingly, on May 21, 2008, a Notice of Omitted Item(s) in a Nonprovisional Application was mailed stating that Figure 4 described in the specification appeared to have been omitted.

In response, on June 20, 2008, the present petition was filed, accompanied by a preliminary amendment requesting that one sheet of drawings containing Figure 4 be added. A copy of a sheet of drawings including Figure 4 was also provided.

The mailing of a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that an item appears to have been omitted permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date, or (3) accept the application as deposited by either (a)

filing an amendment to cancel the reference to the omitted item, accompanied by a replacement specification, drawings, or claim listing, or (b) file an amendment to add the omitted item by relying on an incorporation by reference under 37 CFR 1.57 or other portions of the original disclosure.

As such, an applicant asserting that the missing drawing Figures were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice to File Missing Parts" stating that an item appears to have been omitted (37 CFR 1.181(f)).

MPEP 201.06(c)(IV) states that:

> An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the prior application(s), <u>without the need for a petition</u> provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.
>
> (emphasis supplied)
>
> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a).

In this case, however, petitioners neither assert that the missing drawing figure was deposited on April 24, 2008, nor

request a filing date of the date the omitted item was deposited. Rather, petitioners state that the missing drawing was incorporated by reference on filing, and seek to amend the drawings to including the missing Figure 4.

As no petition is necessary to amend the specification or drawings, the petition is dismissed as moot.

Receipt of the preliminary amendment including Figure 4 is acknowledged. The examiner will review the preliminary amendment for new matter in due course.

However, as the Notice of Omitted Item(s) in a Nonprovisional Application mailed on May 21, 2008, properly indicated that Figure 4 **appeared** to have been omitted, the Notice of Omitted Item(s) in a Nonprovisional Application was properly mailed and will not be withdrawn.

The petition fee has been received. Since this petition was not necessitated by an error on the part of the USPTO, the petition fee will not be refunded.

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

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

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BARTZ & BARTZ, P.A.
6950 FRANCE AVENUE SOUTH, STE. 119
EDINA MN 55435

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MAY 25 2010

OFFICE OF PETITIONS

In re Application of
Willard J. Harder
Application No. 12/150,284
Filed: April 28, 2008
Attorney Docket Number: H3.12.2

ON PETITION

This is a decision on the petition, filed April 5, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned March 23, 2010 for failure to timely pay the issue fee in response to the Notice of Allowance mailed December 22, 2009 which set a three month statutory period for response. The instant petition preceded the mailing of the Notice of Abandonment which was mailed April 15, 2010.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

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MAY 2 2 2008

OFFICE OF PETITIONS

DARRYL A. GREEN
6909 HAWTHORNE WOODS CIRCLE
FREDERICKSBURG, VA 22407

In re Application of	:	
MILLER, Tiffany E. et al.	:	
Application No. 12/150,298	:	DECISION ON PETITION
Filed: April 25, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **IFC-114 US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's passport as evidence that Barbara S. Kitchell is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Michelle R. Eason
Petitions Examiner
Office of Petitions

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MAY 13 2010

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST STREET
NEW YORK, NEW YORK 10017

Applicant: Sommadossi, et al.
Appl. No.: 12/150,327
Filing Date: April 25, 2008
Title: COMPOUNDS AND PHARMACEUTICAL COMPOSITIONS FOR THE TREATMENT OF VIRAL INFECTIONS
Attorney Docket: 11874-183-999
Pub. No.: 2009/0169504 A1
Pub. Date: July 2, 2009

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on September 2, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in optical character recognition on page 80 of the specification.

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]

From the signature on the request, it is not clear which individual is signing the request for corrected publication. The decision below is provided as a courtesy.

With respect to the benefit claim in the first line of the specification, pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a

[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).

specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Likewise a statement that the application claims priority under 35 U.S.C. 120 is not a specific reference. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications.

The errors on page 80 of the published publication may be Office errors, but the errors are not material errors in accordance with 37 CFR 1.221(b). The application is intended to be a continuation of 12/005,937, thus the text is correctly printed in the parent application. While the claim erroneously presents the incorrect percent, the specification has the correct percent, thus one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Foley & Lardner, LLP
111 Huntington Avenue
26th Floor
Boston, MA 02199-7610

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JAN 16 2009

In re Application of	:	
Fred Hewitt Smith	:	
Application No. 12/150,373	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 081913-0144 (BSIL-0120/PT	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of driver's license. Accordingly, the above-identified application has been accorded "special" status.

The driver's license submitted is not legible and the date of birth was blacked out. This can not be used as evidence showing of age. The statement by the attorney of record on the applicant's age will be sufficient to grant this petition.

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 Office of Patent Application Processing at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2431 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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JUN 07 2010

OFFICE OF PETITIONS

PIERCE ATWOOD LLP
160 FEDERAL STREET
10TH FLOOR
BOSTON, MA 02110

In re Application of	:	
Fred Hewitt Smith	:	
Application No. 12/150,373	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. BSIL-0120US	:	FROM RECORD
	:	

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

The request is **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 James F. Ewing on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Fred Hewitt Smith at the address indicated below.

There is an outstanding Office action mailed February 23, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petition

cc: **FRED HEWITT SMITH**
127 WASHINGTON STREET
BELMONT, MA 02478-3558

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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
12/150,373	04/28/2008	Fred Hewitt Smith	BSIL-0120US

CONFIRMATION NO. 6651

POWER OF ATTORNEY NOTICE

35859
Pierce Atwood LLP
160 Federal Street
10th Floor
Boston, MA 02110

OC000000041962780

Date Mailed: 06/04/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/22/2010.

- 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.

/tsjohnson/

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

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JUL 02 2010

OFFICE OF PETITIONS

GRIMES & BATTERSBY, LLP
488 MAIN AVENUE
Suite 300
NORWALK CT 06851

In re Application of

Relke, et al.

Application No. 12/150,396

Filed: April 28, 2008

Attorney Docket No. **OC011USQ**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 21, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 22, 2009. A Notice of Abandonment was mailed January 27, 2010.

The amendment filed May 24, 2010, is noted.

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 of currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Technology Center 2800, GAU 2862 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Jonathan T. Kaplan
700 SE 160th Avenue, Suite 107
Vancouver, WA 98684

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JOHN WILLIAM SPARKS
P.O. BOX 20283
HOUSTON TX 77225

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JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Neil K. Box	:	DECISION ON PETITION
Application No. 12/150,437	:	TO WITHDRAW
Filed: April 28, 2008	:	FROM RECORD
Attorney Docket No. Box-001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 3, 2010.

The request is **APPROVED**.

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

The request was signed by John William Sparks on behalf of all practitioners of record.

John William Sparks and all attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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: NEIL K. BOX
4502 MANSFIELD PARK CT.
LEAGUE CITY, TX 77573

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/150,437	04/28/2008	Neil K. Box	Box-001

CONFIRMATION NO. 6712

POWER OF ATTORNEY NOTICE

John William Sparks
P.O. Box 20283
Houston, TX 77225

OC000000042430434

Date Mailed: 07/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/03/2010.

- 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.

/atkelley/

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

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JONATHAN A. BAY
ATTORNEY AT LAW
SUITE 314
333 PARK CENTRAL EAST
SPRINGFIELD MO 65806

MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Clayton D. Rains	:	
Application No. 12/150,443	:	DECISION ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. 759-3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required filing fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed May 19, 2008, is accepted as having been unintentionally delayed.

Additionally, the evidence submitted with the above petition, and the fact that applicant did receive the Notice mailed May 19, 2008, is not convincing to substantiate a matter under 37 CFR 1.181(a).

The Office does apologize for the matter regarding the receipt of an incorrect filing receipt.

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

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FEB 01 2010

In re Application of
Frank L. Polyakovics
Application No. 12/150,454
Filed: April 29, 2008
Attorney Docket No. 4656

DECISION ON PETITION

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 20, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 21, 2008.

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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JAN 27 2010

OFFICE OF PETITIONS

MINNA HA
9754 E NAOMI AVENUE
ARCADIA CA 91007

In re Application of	:	
Minna Catherine Ha	:	
Application No. 12/150,509	:	ON PETITION
Filed: April 29, 2008	:	
Title: Cosmetic Container	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed November 3, 2009.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of an international application filed on April 27, 2009. However, the US Patent and Trademark Office was unintentionally not notified of this filings within 45 days subsequent to the filing of the international application.

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

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

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

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

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

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

Receipt of the $810 petition fee is acknowledged.

The application is being forwarded to Group Art Unit 3732 for 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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ROY L. ANDERSON, ESQ.
WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BOULEVARD
GLENDALE, CA 91208

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of	:	
HINES, Stephen P.	:	
Application No. 12/150,534	:	DECISION ON PETITION
Filed: April 29, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **01-3644-58CIP**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the declaration of inventor Stephen P. Hines, 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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VENUGOPAL SUBRAMANYAM
3399 WARREN AVENUE
FREMONT, CA 94538

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Venugopal Subramanyam :
Application No. 12/150,552 :
Filed: April 30, 2008 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 17, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed May 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 23, 2008.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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BRETT MAY
18221 30TH STREET, KPN
LAKEBAY, WA 98349

MAILED

NOV 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Brett MAY	:	
Application No. 12/150,574	:	ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 10, 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 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 23, 2008.

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 additional claim fees; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of May 22, 2008 is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Ella Colbert at (571) 272-6741 or in her absence, the undersigned at (571) 272-7099.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: BRETT MAY
18225 30TH STREET, KPN
LAKEBAY, WA 98349

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BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
INTELLECTUAL PROPERTY DEPARTMENT
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE RD.
ATLANTA GA 30326

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OFFICE OF PETITIONS

In re Application of	:	
WIGGINS, SR. Williams H.	:	
Application No. 12/150,617	:	DECISION ON PETITION
Filed: April 30, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **2170584-000110**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 06, 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

T The instant petition includes a statement by Williams H. Wiggins, Sr. attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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KOPPEL, PATRICK, HEYBL & DAWSON
2815 TOWNGATE ROAD, SUITE 215
WESTLAKE VILLAGE, CA 91361-5827

MAILED

SEP 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Franklin M. MURDEN, et al.	:	
Application No. 12/150,659	:	DECISION GRANTING PETITION
Filed: April 29, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **A5GN3655US**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 14, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2819 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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RONALD BILLETT
1088 KELTNER AVE
SAN JOSE CA 95117

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SEP 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Ronald Jesse BILLETT	:	
Application No. 12/150,701	:	DECISION ON PETITION
Filed: May 1, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 30, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement from Inventor Ronald Billett. 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 3679 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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APR 21 2009

OFFICE OF PETITIONS

Richard J. Bentley
88 Hillandale Road
Westport, CT 06880

In re Application of	:	
Richard Joseph Bentley	:	
Application No. 12/150,764	:	DECISION ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed May 23, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 24, 2008.

An incomplete reply was received on October 20, 2008. The reply was received within an extendable time period, but there is no record of any extensions of time being paid at the time the reply was received on October 20, 2008. Therefore the reply was received after the date of abandonment of this application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the substitute specification is 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 March 20, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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KEATY PROFESSIONAL, LAW CORPORATION
THOMAS S. KEATY
2 CANAL STREET
2140 WORLD TRADE CENTER
NEW ORLEANS LA70130

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Marvin J. ANTILL SR.	:	
Application No. 12/150,826	:	DECISION ON PETITION
Filed: April 30, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. A08-2553	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photo copy of applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Myers, Dawes, Andras & Sherman, LLP
Suite 1150
19900 MacArthur Boulevard
Irvine, CA 92612

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Joseph Han	:	
Application No. 12/150,841	:	DECISION ON PETITION
Filed: May 1, 2008	:	TO WITHDRAW
Attorney Docket No. FMI1.PAU.67	:	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 9, 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 Vic Y. Lin on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

The correspondence address has been changed to that of the inventor. The address is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joseph Han
3676 S. Mall Street
Irvine, CA 92606

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/150,841	05/01/2008	Joseph Han	FMI1.PAU.67

CONFIRMATION NO. 8574

POWER OF ATTORNEY NOTICE

Myers Dawes Andras & Sherman LLP
Suite 1150
19900 MacArthur Blvd
Irvine, CA 92612

OC000000034203745

Date Mailed: 01/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/09/2008.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/150,851	05/01/2008	Robert T. Stone	SCM-02-006CIP7	8074

EXAMINER

7590 03/13/2009

Ralph C. Francis
Francis Law Group
1942 Embarcadero
Oakland, CA 94606

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/13/2009 NFARMER 0000166494

CHECK Refund Total: $255.00

Adjustment date: 03/13/2009 NFARMER
05/05/2008 MBELETE1 00000009 12150851
02 FC:2111 -255.00 OP

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

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APR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Sheryar DURRANI	:	
Application No. 12/150,886	:	DECISION ON PETITION
Filed: May 01, 2008	:	TO WITHDRAW
Attorney Docket No. **15172-000001/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 February 11, 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 Stephen T. Olson on behalf of all attorneys of record who are associated with customer No. 27572. 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 Sheryar Durrani at the address indicated below.

There is an outstanding Office action mailed December 14, 2009 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: **SHERYAR DURRANI**
6180 WINCLIFF DRIVE
WEST BLOOMFIELD, MI 48322

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GABRIELA TOMESCU
C/O RYAN KROMHOLZ & MANION, S.C.
P.O. BOX 26618
MILWAUKEE WI 53226-0618

MAILED
JUN 0 8 2009
OFFICE OF PETITIONS

In re Application of	:	
Alex Hsia, et al.	:	
Application No. 12/150,895	:	DECISION ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No. 9473.18472-DIV 2	:	

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.

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. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed May 21, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 22, 2008.

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

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Papers at their hotline 571-272-4200.

This application is being referred to the Office of Patent Application Papers for pre-examination processing of the reply received April 6, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Richard M. Rosati, Esq.
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Atsujiro Ishii	: DECISION ON REQUEST FOR
Patent Number	: 7583450	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/150,902	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/30/2008	: 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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JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Sprainis et al.	:	
Application No. 12/150,927	:	ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No. CRD 08106	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Corrected Application Papers (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) timely were obtained. Accordingly, the application became abandoned on July 30, 2008. A Notice of Abandonment was mailed February 6, 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 in compliance with 37 CFR 1.84 and 37 CFR 1.121(d), Figure 2 and a substitute specification, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on July 21, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card account.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

BEYER LAW GROUP, LLP
P.O. BOX 1687
CUPERTINO, CA 95015-1687

In re Application of	:	
Ian R. Nandhara	:	
Application No. 12/150,948	:	DECISION ON PETITION
Filed: April 30, 2008	:	TO WITHDRAW
Attorney Docket No. FINDP001D1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 12, 2009.

The request is **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 Alan s. Hodes on behalf of all attorneys of record who are associated with customer No. 58766. All attorneys/agents associated with the Customer Number 58766 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

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

cc: IAN R. HANDHRA
FINDBASE, LLC
18711 TIFFENI DRIVE
SUITE 17-107
TWAIN HARTE, CA 95383

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/150,948	04/30/2008	Ian R. Nandhra	FINDP001D1

CONFIRMATION NO. 8145

POWER OF ATTORNEY NOTICE

58766
Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

OC000000036992203

Date Mailed: 07/20/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/12/2009.

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

/amwise/

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

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KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE, OH 44131

Mail Date: 04/20/2010

Applicant	: Mark A. Griswold	: DECISION ON REQUEST FOR
Patent Number	: 7652474	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/151,025	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE, OH 44131

Mail Date: 04/20/2010

Applicant	: Candice A. Bookwalter	: DECISION ON REQUEST FOR
Patent Number	: 7652475	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/151,027	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/02/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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SEP 11 2008

PAUL S. WELLS JR.
APT. D
966 SOUTH 13TH STREET
GROVER BEACH CA 93433

In re Application of	:	
Paul Sandford WELLS, JR.	:	
Application No. 12/151,128	:	DECISION ON PETITION
Filed: May 05, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 05, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Paul Wells's, Jr., 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 3681 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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stamped on it

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PAUL S. WELLS JR.
APT. D
966 SOUTH 13TH STREET
GROVER BEACH CA 93433

In re Application of	:	
Paul Sandford WELLS, JR.	:	
Application No. 12/151,128	:	DECISION ON PETITION
Filed: May 05, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 05, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Paul Wells's, Jr., 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 3681 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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TIMOTHY S. STEVENS
5108 FOXPOINT CIRCLE
MIDLAND, MI 48642

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MAR 16 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Charles E. Skinner et al :
Application No. 12/151,150 :
Filed: May 2, 2008 :
Attorney Docket No. MSH-420DIV2 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed May 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 23, 2008.

The Office received $2,225 with the petition on February 13, 2009. However, effective October 2, 2008 the fees changed. Presently, all of the fees are correct except the Independent claims in excess of three which has a balance of $69. The petition can not be granted until the $69 balance is received.

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

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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APR 13 2009

OFFICE OF PETITIONS

TIMOTHY S. STEVENS
5108 FOX CIRCLE
MIDLAND, MI 48642

In re Application of	:	
Charles E. Skinner et al	:	
Application No. 12/151,150	:	ON PETITION
Filed: May 2, 2008	:	
Attorney Docket No. MSH-420DIV2	:	

This is a decision on the petition filed March 24, 2009, which is being treated as a petition under 13179(b), 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

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Alexandria, VA 22313-1450
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EDWARD J. LYNCH, PATENT ATTORNEY
FOUR EMBARCADERO CENTER
SUITE 1700
SAN FRANCISCO, CA 94111

MAILED

MAR 15 2010

OFFICE OF PETITIONS

In re Application of
Lubock, et al.
Application No. 12/151,154
Filed: May 2, 2008
Attorney Docket No. SENOP-06703

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102 filed March 1, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks items (4a) and (4b) above.

A review of the record did not reveal that applicant included with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code. Neither has applicant made a statement that applicant agrees not to request a refund of any fees paid in the expressly abandoned application. Both are requirements for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan. If appropriate, applicant may file a renewed petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan correcting the above noted deficiencies.

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 Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 3735 action in its regular turn.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

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EDWARD J. LYNCH, PATENT ATTORNEY
FOUR EMBARCADERO CENTER
SUITE 1700
SAN FRANCISCO, CA 94111

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APR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Lubock, et al.	:	
Application No. 12/151,154	:	DECISION ON PETITION
Filed: May 2, 2008	:	TO MAKE SPECIAL
Attorney Docket No. SENOP-06703	:	37 CFR 1.102
	:	

This is a decision on the renewed petition under 37 CFR 1.102 filed March 24, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The renewed petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

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

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

Anthony Knight
Director
Office of Petitions

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BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS MO 63102-2750

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
X. Peter Zhang	:	DECISION ON PETITION
Application Number: 12/151182	:	
Filing Date: 05/05/2008	:	
Attorney Docket Number: USF-07047	:	

This is a decision on the petition filed on February 10, 2009, under 37 CFR 1.137(a),[1] to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

The application became abandoned on August 4, 2008, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008, which set a

---

[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1:114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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(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(c)).

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 6, 2009.

Petitioners assert that the Notice to File Missing Parts of Nonprovisional Applcation mailed on June 3, 2008, was never received. In support, petitioners have provided declarations by Karen A. Honold, counsel's secretary, and Nancy D. Collora, counsel's paralegal, explaining the procedures for docketing correspondence received from the USPTO, and stating, *inter alia*, that a search of counsel's electronic database and file folder reveals no copy of the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008, was ever received.

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> 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.**
>
> (emphasis added)

At the outset, petitioner has not provided a statement from the practitioner to the effect 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. Any renewed petition should be accompanied by a proper statement made by the practitioner.

Petitioner has not provided a copy of the master docket for the firm.

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.

PETITION UNDER 37 CFR 1.137(a)

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

The petition lacks item (3).

With regards to item (3), the Director 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 be "unavoidable".[2] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[3]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

---

[2] 35 U.S.C. § 133.

[3] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Petitioner's argument has been considered, but is not persuasive. Petitioner is responsible for the proper prosecution of his application. A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[5] A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[6]

Petitioner asserts unavoidable delay because the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008 was never received. As stated above, petitioner's showing that the Notice to File Missing Parts of Nonprovisional Application mailed on June 3, 2008 was never received is lacking because the requirements set forth in MPEP 711.03(c) to establish that an Office communication was never received have not been met. Accordingly, the showing of record does not support a finding that the delay was unavoidable. The petition must therefore be dismissed.

However, such dismissal is without prejudice to reconsideration pending submission of the information requested above (*i.e.*, the statement by the practitioner and a master docket report) with any renewed petition.

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

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

By FAX: (571) 273-8300

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[5] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v, Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[6] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

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 the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS MO 63102-2750

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MAY 01 2009

OFFICE OF PETITIONS

In re Application of	:	
X. Peter Zhang	:	DECISION ON PETITION
Application Number: 12/151182	:	
Filing Date: 05/05/2008	:	
Attorney Docket Number: USF-07047	:	

This is a decision on the renewed petition filed on March 25, 2009, under 37 CFR 1.137(a).[1]

The petition is **GRANTED**.

The application became abandoned on August 4, 2008, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application 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 6, 2009. The petition filed on February 10, 2009, was dismissed on March 16, 2009.

---

[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

The application is restored to pending status.

The application is being referred to Technology Center Art Unit 1614 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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TETHYS BIOSCIENCE
C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
URDEA, Michael S.	:	
Application No. 12/151,220	:	DECISION ON PETITION
Filed: May 02, 2008	:	TO WITHDRAW
Attorney Docket No. **TETH-003 (1003-UTL)**	:	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, 2010.

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

A review of the file record indicates that the power of attorney to Morrison & Foester LLP has been revoked by the assignee of the patent application on February 11, 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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TETHYS BIOSCIENCE, INC.**
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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BOSTON MA 02109

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SEP 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Theoharides	:	
Application No. 12/151,268	:	DECISION ON PETITION
Filed: 6 May, 2008	:	UNDER 37 C.F.R. 1.78(a)(6)
Attorney Docket No. 2003133.129 US1	:	

This is a decision on the petition under 37 C.F.R. § 1.78(a)(3), filed on 8 May, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

(1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in §1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

It appears that Petitioner has not demonstrated and/or otherwise properly stated pendency over the course of applications to which he refers in the amendment filed with the petition, to wit: the instant Application No. 12/151,268 (the '268 application) to:

- Application No. PCT/US02/00476 (the '00476 application) through Application No. 11/999,991 (the '991 application), Application 11/651,161 (the 161 application) and Application No. 10/811,828 (the '828 application); and

- Thus, to Application No. 09/856,707 (the '707 Application) to Application No. 09/771,669 (the '669 application) to Application No. 09/056,707 (the '707 application.

(*See*: Manual of Patent examining Procedure (MPEP) §201.11(III)(C).)

The commonality of at least one inventor was not demonstrated.

The amendment/Application Data Sheet (ADS) as drafted is unacceptable and, therefore, is not considered a proper reference under 37 C.F.R. §1.78(a)(2)(i) and under 37 C.F.R. §1.78(a)(5)(i). (Petitioner is reminded that the amendment may not be incorporated into the petition.)

Accordingly, the petition under 37 CFR 1.78(a)(3) is **dismissed**.

This matter is being referred to Technology Center AU 1633 for further processing in due course.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

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SEP 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Northrup, et al.	:	DECISION GRANTING STATUS
Application No. 12/151,319	:	UNDER 37 CFR 1.47(a)
Filed: May 5, 2008	:	
Attorney Docket No. 3969.EPSI.NP	:	

This decision is mailed in response to the petition under 37 CFR 1.47(a), filed August 4, 2008 (certificate of mailing date August 1, 2008)

The petition is **GRANTED.**

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

Petitioner has paid $130.00 towards the $200.00 Rule 47(a) petition fee. Pursuant to petitioner's authorization, deposit account no. 50-0881 will be charged the $70.00 balance due.

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 regarding this decision 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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United States Patent and Trademark Office
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KENNETH SESSUM, SR.
9953 DUNISNANE DRIVE
SOUTH JORDAN UT 84095

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SEP 23 2008
OFFICE OF PETITIONS

In re Application of
Northrup, et al.
Application No. 12/151,319
Filed: May 5, 2008
Attorney Docket No. 3969.EPSI.NP

LETTER

Dear Mr. Sessum:

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

ATTORNEYS OF RECORD: MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

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Mark A. Litman & Associates, P.A.
York Business Center
Suite 205
3209 West 76th St.
Edina MN 55435

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of :
Smith, et al. :
Application No. 12/151,320 : ON PETITION
Filed: May 5, 2008 :
Attorney Docket No. 321.006US1 :
For: MINI-HOLD 'EM GAMES

This is a decision on the petition, filed July 24, 2008 (certificate of mailing date July 21, 2008), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed May 23, 2008. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on May 5, 2008. On May 23, 2008, the Office of Patent Application Processing mailed a Notice informing applicants that Figure 1 appeared to be missing from the application filed on May 5, 2008.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the presently submitted copy of Figure 1 be accorded a filing date of May 5, 2008 on the basis that the original was received in the Patent and Trademark Office (PTO) on May 5, 2008.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Patent Application Processing generated barcode citing May 5, 2008 as the date of receipt. The postcard lists that the filing included, *inter alia*, 2 sheets of formal drawings. A review of the application file reveals that there is only 1 sheet present depicting a "Fig. 2".

The return postcard constitutes *prima facie* evidence that 2 sheets of formal drawings, including missing Figure 1, were filed on May 5, 2008. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' request, the $400.00 fee submitted with the instant petition will be refunded to petitioners' deposit account.

The application is being returned to Office of Patent Application Processing for further pre-examination processing, with a filing date of **May 5, 2008,** using the copy of Figure 1 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED

JUN 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Apple et al.	:	
Application No. 12/151,321	:	ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No. PayTel 2008-20	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by the applicant's attorney that applicant is 65 years of age, and a Declaration from 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 2614 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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OKTAY ENTERPRISES INTERNATIONAL
2807 MULBERRY COURT
POUGHKEEPSIE, NY 12603

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APR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Damir ISMAILOV	:	
Application No. 12/151,344	:	ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No. OEI-08.DI-117	:	

This is in response to the communication, filed April 8, 2010, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed, December 3, 2009 which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 3, 2010. On March 18, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to the Examiner's Amendment mailed with the Notice of Allowance. Specifically, petitioner states that the application is not in fact abandoned. Petitioner submits that by virtue of the fact that the Examiner's Amendment assumed full responsibility for the drawing corrections required in the Notice of Allowance, citing MPEP 1302.04, and the express instructions given by the examiner in the Examiner's Amendment, the application should not be held abandoned.

A review of the record indicates that on November 24, 2009, the examiner initiated a telephone call to the applicant's attorney because Fig. 11 of the drawings and paragraph 42 of the specification required an amendment, the examiner, indicating that the changes would be made by Examiner's Amendment. The record indicates that the examiner did not talk to Servgin Oktay. The application history shows that the suggested changes were put in telephone message

left on the answering machine of Sevgin Oktay. On December 3, 2009, the examiner issued a Notice of Allowance that included an Examiner's Amendment setting forth the changes suggested in the November 24, 2009 telephone call, and additionally included an Examiner-Initiated Interview Summary (Form PTOL-413B). The Examiner's Amendment as well as the PTOL-413B indicates that the examiner never spoke to the petitioner. Also the PTOL-413B indicates "It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability."

Upon a review of the Notice of Allowance, PTOL-37, it is evidently clear that formal drawings were being required by the examiner. Item 5, CORRECTED DRAWINGS (as "replacement sheets") must be submitted, was checked by the examiner. Item 5(b) of PTOL-37, "...including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No./Mail Date 11/24/09", was also checked. The PTOL-37 specifically placed petitioner on notice using a paragraph above paragraph 5, that "Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely reply will result in ABANDONMENT of this application."

Petitioner received the Notice of Allowance but failed to provide the necessary reply. As noted in Brenner v. Ebbert, 398 F.2d. 762, 765, 157 USPQ 609, 611 (D.C. Cir. 1968), cert den. 159 USPQ 799:

> The Constitution requires notice reasonably designed to forewarn against approaching default; but it does not insure against the effects of a mistaken response to timely notice knowingly received.

Petitioner's failure to adequately respond to the Notice of Allowance was unfortunate, but such failure based on an erroneous assumption cannot operate to save this application from abandonment. Petitioner now mistakenly believes that lack of knowledge of the rules and/or reliance on oral statements by Office employees are acceptable reasons for the granting of this petition. Inasmuch as petitioner relied upon the oral advice of Office employees, rather than ascertaining the applicable regulations and procedures, petitioner must bear the risk that such advice is inaccurate.

Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

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

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-0602.

Thurman K. Page

Thurman K. Page
Petitions Examiner
Office of Petitions

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POUGHKEEPSIE, NY 12603
Woodstock, IL 60098

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MAY 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Damir ISMAILOV	:	
Application No. 12/151,344	:	DECISION ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No. OEI-08.DI-117	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed December 3, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at (571)272-0602.

This application is being referred to Technology Center Art Unit 2817 for appropriate action by the Examiner in the normal course of business on the reply received.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAUBSCHER & LAUBSCHER, P.C.
1160 SPA ROAD, SUITE 2B
ANNAPOLIS, MD 21403

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APR 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Vincent T. ROBERT, et al	:	
Application No. 12/151,357	:	DECISION ON PETITION
Filed: May 6, 2008	:	TO WITHDRAW
Attorney Docket No. 19888	:	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 **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 above at items 1 and 3 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 applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: VINCENT T. ROBERT
4006 VINCENT STATION DRIVE
OWENSBORO, KY 42303

Attachment: SB/83 - Withdrawal As Attorney or Agent

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANNAPOLIS, MD 21403

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Vincent T. ROBERT, et al	:	
Application No. 12/151,357	:	DECISION ON PETITION
Filed: May 6, 2008	:	TO WITHDRAW
Attorney Docket No. 19888	:	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), May 8, 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, Sr. 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 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: VINCENT T. ROBERT
4006 VINCENT STATION DRIVE
OWENSBORO, KY 42303

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/151,357	05/06/2008	Vincent T. Robert	19888

CONFIRMATION NO. 9958

POWER OF ATTORNEY NOTICE

OC000000036462068

26480
LAUBSCHER & LAUBSCHER, P.C.
1160 SPA ROAD
SUITE 2B
ANNAPOLIS, MD 21403

Date Mailed: 06/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/08/2009.

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

/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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RAYMOND SUN
LAW OFFICES OF RAYMOND SUN
12420 WOODHALL WAY
TUSTIN, CA 92782

MAILED

MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Douglas **THAI**	:	
Application No. 12/151,360	:	DECISION ON PETITION
Filed: May 6, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **PAT-1452CON5**	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers mailed May 23, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $810; 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 concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROGER W. BROWN, Ph.D.
810 W. VILLA MARIA DRIVE
PHOENIX, AZ 85023

COPY MAILED

JUN 0 9 2008

OFFICE OF PETITIONS

In re Application of :
BROWN, Roger W. :
Application No. 12/151,394 : DECISION ON PETITION
Filed: May 7, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a copy of inventor Roger W. Brown's passport, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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 1651 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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HAVERSTOCK & OWENS LLP
ATTN: Thomas B. Haverstock
162 North Wolfe Road
Sunnyvale CA 94086

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NOV 27 2009

OFFICE OF PETITIONS

In re Application of:
ONYON, et al.
Application No.: 12/151,440
Filed: May 6, 2008
Attorney Docket No.: FUSI-02201

DECISION ON PETITION
UNDER 37 CFR 3.81(B)

This is a decision on the petition, filed, October 23, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name and residence on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application. The above petition was also accompanied by a petition under 37 CFR 1.182 requesting expedited handling of the petition under 37 CFR 3.81(b), which is concurrently being considered.

The petition under 37 CFR 3.81(b) is **GRANTED**.
The petition under 37 CFR 1.182 for expedited handling is **GRANTED**.

Petitioner states that the correct assignee's name and residence are "FusionOne, Inc., San Jose, CA" and that an incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the Issue Fee. Accordingly, petitioner requests that a Certificate of Correction be issued to reflect the correct assignee name and residence on the Title Page of the Letters Patent to be issued from the application.

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

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

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The requisite fees for the present petitions were either paid via a credit card payment or as a charge to Deposit Account 08-1275 per the deposit account authorization in the PART B – FEE(S) TRANSMITTAL (PTOL-85) submitted with the Issue Fee on October 21, 2009. More specifically, the $130.00 (Fee Code 1464) set forth under 37 CFR 1.20(a) has been paid via credit card payment, the $100.00 fee (Fee Code 1811) set forth under in 37 CFR 1.20(a) has been charged to the above deposit account, and the $400.00 fee (Fee Code 1462) set forth under 37 CFR 1.17(f) has been charged to the deposit account.

A review of the above PTOL-85 reveals that the name and residence of the assignee were was erroneously identified as the assignee name and residence in Item 3 thereof. Further, Office assignment records reflect that:

--FusionOne, Inc., San Jose, CA--

is the correct assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a Certificate of Correction to be processed after issuance of this application into a patent.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 12151440 Total Records Found: 15

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
11/27/2009	00000029	1	1462	$400.00	10/23/2009	DA 081275
11/27/2009	00000028	1	1811	$100.00	10/23/2009	DA 081275
10/26/2009	00008514	4	1464	$130.00	10/23/2009	CC
10/22/2009	00013022	4	1501	$1,510.00	10/21/2009	CC
10/22/2009	00013023	4	1504	$300.00	10/21/2009	CC
10/22/2009	00013024	4	8001	$30.00	10/21/2009	CC
06/29/2009	00000002	1	1806	$180.00	06/26/2009	CK
10/10/2008	00000001	1	2201	$420.00	09/08/2008	DA 081275
10/10/2008	00000002	1	2202	$50.00	09/08/2008	DA 081275
05/08/2008	00000161	1	2202	$1,575.00	05/06/2008	CK
05/08/2008	00000162	1	2201	$840.00	05/06/2008	CK
05/08/2008	00000163	1	8021	$40.00	05/06/2008	CK
05/08/2008	00000159	1	2111	$255.00	05/06/2008	CK
05/08/2008	00000158	1	2011	$155.00	05/06/2008	CK
05/08/2008	00000160	1	2311	$105.00	05/06/2008	CK

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11/27/2009 LDIEP1   00000013 081275 12151440
Sale Ref: 00000015 DA#: 081275   12151440
01 FC:1811         100.00 DA
02 FC:1462         400.00 DA
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masaru Morooka	: DECISION ON REQUEST FOR
Patent Number	: 7599125	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/151,450	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/06/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WALTER B. PALMER
13846 LEAR BLVD.
RENO, NV 89506-1642

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Walter Beaumont PALMER	:	
Application No. 12/151,518	:	DECISION ON PETITION
Filed: May 7, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's birth certificate. 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 3632 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steven Cline, PhD
Missouri Botanical Garden
P.O. Box 299
St. Louis MO 63166-0299

MAILED

JUL 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven Cline	:	
Application No. 12/151,573	:	DECISION ON PETITION
Filed: May 8, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the publication fee on or before May 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2010. Accordingly, the date of abandonment of this application is May 25, 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 publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Steven Cline
4344 Shaw Blvd.
St. Louis, MO 63110

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.
12/151,586	05/07/2008	Martin James Inglis Andrews	PRD3140USNP	1582

27777 7590 07/14/2010
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER
WILLIS, DOUGLAS M

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
07/14/2010	ELECTRONIC

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

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

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

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com

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JUL 1 4 2010

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of:	:
Andrews et al.	:
Serial No.: 12/151,586	: PETITION DECISION
Filed: May 7, 2008	:
Attorney Docket No.: **PRD3140USNP**	:

This is in response to the petition under 37 CFR § 1.181, filed July 8, 2010, requesting that the objection to the title be withdrawn.

BACKGROUND

Only the grounds of objection and/or rejection pertinent to this petition are set forth below.

The examiner mailed a non-final Office action on November 30, 2009, setting a three month statutory limit for reply. At the time of this non-final Office action, the examiner set forth the following objection to the title:

> "Applicant is reminded of the proper content of the title of the invention. The title of the invention should be brief, but technically accurate and descriptive, preferably from two to seven words. See 37 CFR 1.72(a) and MPEP § 606.
>
> The title of the invention is not technically accurate and descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In the revised title, the examiner suggests identifying the substituted [1,2,4] triazolo [1,5-a] pyrazinamines of the formula (I)."

In response thereto, applicants filed an amendment on February 18, 2010, wherein applicants traversed the objection and requested its withdrawal.

On April 16, 2010, the examiner mailed a final Office action setting a three month statutory limit for reply. In this final Office action, the examiner repeated and made final the objection to the title.

In response thereto, applicants filed this petition on July 8, 2010, requesting that the objection to the title be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on July 8, 2010, applicants argue "the title in this Application is consistent and compliant with the rules as set forth in 37 C.F.R. § 1.72(a), and with the text given in the M.P.E.P (relevant section already cited). No objection in this regard is pertinent or based on established rules and patent application drafting and examination practice, and the Objection should be withdrawn."

Applicants' argument has been accorded careful consideration and is persuasive. The examiner will be directed to withdraw the instant objection that was maintained in the final Office action of April 16, 2010.

DECISION

The petition is **GRANTED.**

However, applicants should note that if this application is allowed, the examiner may change the title of the invention without authorization. See MPEP 606.01 which states "If a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment. If the change in the title is the only change being made by the examiner at the time of allowance, >and the application is maintained in paper,< a separate examiner's amendment need not be prepared."

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Remy Yucel
Director, Technology Center 1600

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NEIL JOHN GRAHAM
6017 LIDO LANE
LONG BEACH, CA 90803

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Neil John GRAHAM	:	
Application No. 12/151,608	:	DECISION ON PETITION
Filed: May 9, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 51,179	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 9, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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JUL 0 2 2008

OFFICE OF PETITIONS

Bernard S. Hoffman
10 Colgate Street
Port Jefferson Station NY 11776

In re Application of	:	
Violet Hanson	:	
Application No. 12/151,673	:	DECISION ON PETITION
Filed: May 8, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N/A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 10, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3782 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 30, 2010

TO SPE OF : ART UNIT 2817 - SPE Robert J. Pascal.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/151,681 Patent No.: 7,605,674 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the text pertaining to the continuing data be amended as requested by applicant? See COCIN dated 05-21-2010

Certificates of Correction Branch

(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

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

Comments: Applicant's request for certificate of correction dated May 21, 2010 is approved.

_____ 2817

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Soo Yong Kang	: DECISION ON REQUEST FOR
Patent Number	: 7607861	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/151,772	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Bruce Albert Arne	: DECISION ON REQUEST FOR
Patent Number	: 7644502	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/151,785	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/08/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Weingarten, et al. :
Application No.: 12/151,919 :
Filed: May 9, 2008 :
Attorney Docket No.: 04676.105127 US (ATH246) :
For: SPIRO COMPOUNDS FOR TREATMENT OF INFLAMMATORY DISORDERS

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed November 14, 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 (2) 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 does not contain all required information for Raymond Ng. Only his name is listed. The declaration contains pages 1-4 and 6. Please submit a declaration that contains pages 1-6.

An oath or declaration in compliance with 37 CFR 1.63 and1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

Regarding fees, deposit account no. 11-0980 will be charged the required Rule 47 petition fee of $200.00 and a $65.00 surcharge for the late filing of a fully execute declaration.

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

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

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OCT 13 2009
OFFICE OF PETITIONS

In re Application of :
Weingarten, et al. :
Application No.: 12/151,919 :
Filed: May 9, 2008 :
Attorney Docket No.: 04676.105127 US (ATH246) :
For: SPIRO COMPOUNDS FOR TREATMENT OF INFLAMMATORY DISORDERS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.47(a), filed June 4, 2009.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Raymond Ng, 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.

Petitioners have paid two $200.00 Rule 47 petition fees. Only one petition fee is required. Pursuant to petitioners' authorization, deposit account no. 11-0980 will be refunded $200.00.

This application is being referred to Technology Center A.U. 1612 for examination in due course.

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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OCT 13 2009

OFFICE OF PETITIONS

RAYMOND NG
2217 ADDISON LANE
ALPHARETTA GA 30005

In re Application of	:	
Weingarten, et al.	:	LETTER
Application No.: 12/151,919	:	
Filed: May 9, 2008	:	
Attorney Docket No.: 04676.105127 US (ATH246)	:	
For: SPIRO COMPOUNDS FOR TREATMENT OF INFLAMMATORY DISORDERS		

Dear Mr. Ng:

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: KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PHUNG LAW FIRM, P.C.
10623 BELLAIRE BLVD
SUITE C-130
HOUSTON, TX 77072-5242

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In re Application of	:	
Chau Huu-Quynh Nguyen	:	DECISION ON PETITION
Application No. 12/151,930	:	TO WITHDRAW
Filed: May 8, 2008	:	FROM RECORD
Attorney Docket No. CNGUY001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 18, 2009.

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

A review of the file record indicates that on March 1, 2010 the power of attorney to Phung Law Firm, P.C. was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 15, 2009

Patent No. : 7,587,107
Ser. No. : 12/151,981
Inventor(s) : Hyde et al
Issued : September 8, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 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 1.117(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: (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.

RoChaun Johnson
For Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
571 272-0470

SEARETE LLC
CLARENCE T. TEGREENE
1756- 114TH AVE., S.E.
SUITE 110
BELLEVUE, WA 98004

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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SEARETE LLC
CLARENCE T. TEGREENE
1756 - 114TH AVE., S.E.
SUITE 110
BELLEVUE, WA 98004

COPY MAILED
JAN 14 2010

In re Patent No. 7,587,107	:	
Issue Date: September 9, 2009	:	
Application No. 12/151,981	:	ON PETITION
Filed: May 9, 2008	:	
Attorney Docket No. 0505-009-009-C00002	:	

This is a decision on the petition, filed October 30, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

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

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

The request was accompanied by a certificate of correction under 37 CFR 1.323 and the $130 processing fee under 37 CFR 1.17(i). The $100 certificate of correction fee under 37 CFR 1.20(a) is being charged to counsel's deposit account as authorized. Further, Office assignment records reflect that SEARETE LLC is the assignee of record. Accordingly, the request complies with the provisions of 37 CFR 3.81(b), and it would be appropriate for a certificate of correction to be processed to correct the name of the assignee on the front page of the patent.

The request is **GRANTED** to the extent indicated above.

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and for issuance of the Certificate of Correction. The application is also being referred to the Certificate of Correction Branch for further consideration of the other corrections requested in the Certificate of Correction filed September 21, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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ALBERT O COTA
5460 WHITE OAK AVE, SUITE A-331
ENCINO, CA 91316

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JUN 09 2008

In re Application of	:	
PATTON, et al.	:	
Application No. 12/152,004	:	DECISION ON PETITION
Filed: May 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **08PLI1543**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a copy of inventor Edward H. Hagbloom's driver's license, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3723 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed: KIW

In re application of Yun Wang et al. Serial No. 12/152,019 Filed: May 12, 2008 For: SUBSTRATE PROCESSING WITH REDUCED WARPAGE AND/OR CONTROLLED STRAIN	: : : : : : :	DECISION ON PETITION

This is a decision on the PETITION TO ACCEPT COLOR PHOTOGRAPHS UNDER 37 C.F.R. ɜ 1.84(b)(2), filed June 18, 2009, to permit color photographs since (1) the fee as required by 37 CFR 1.17(h) has been paid, (2) three sets of the color photographs have been filed, (3) an explanation is provided stating why color photographs are necessary. The color photographs include Figures 8, 11A, 11B, 12A, 12B, and (4) it is also noted that the petition containts amendment to the specification to include the language set forth in 37 CFR 1.84(a)(2)(iv). This amendment should be proper form as amendment to the specification on a separate sheet of paper.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The petition is **GRANTED**.

Kat Wyrozebski

Kat I. Wyrozebski
Supervisory Patent Examiner
Technology Center 1700

PETERS VERNY L.L.P.
425 Sherman Avenue Suite 230
Paulo Alto, CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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IMPERIUM PATENT WORKS
P.O. BOX 607
PLEASANTON, CA 94566

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Victor B. Kley	:	DECISION ON PETITION
Application No. 12/152,032	:	TO WITHDRAW
Filed: May 10, 2008	:	FROM RECORD
Attorney Docket: GEN-003-1C	:	

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 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Darien K. Wallace, on behalf of all practitioners of record associated with Customer Number 47713.

Customer Number 47713 has been withdrawn as attorney of record. 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.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: VICTOR B. KLEY
GENERAL NANOTECHNOLOGY LLC
1119 PARK HILLS ROAD
BERKELEY, CA 94708

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/152,032	05/10/2008	Victor B. Kley	GEN-003-1C

CONFIRMATION NO. 3671

POWER OF ATTORNEY NOTICE

47713
IMPERIUM PATENT WORKS
P.O. BOX 607
Pleasanton, CA 94566

OC000000040847180

Date Mailed: 03/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2010.

- 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.

/atkelley/

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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MATHEW J. TEMMERMAN
423 E STREET
DAVIS CA 95616

MAILED

MAR 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Donald J. Stewart	:	
Application No. 12/152,105	:	DECISION ON PETITION
Filed: May 9, 2008	:	
Attorney Docket No. 338.01	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 7, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

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

With regards to item (1), petitioner has requested benefit of Application No. 60/914,036 filed on April 26, 2007. However, this provisional application expired on April 27, 2008. Therefore, since the instant application was filed on May 9, 2008, no copendency exists between these two applications. Copendency between the instant application and the prior application is required. Further, since the applications are not copending, the benefit claim to the prior-filed provisional is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, unless applicant can establish copendency between the applications. Additionally, there is no common inventorship existing between 60/914,036 and the instant application.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] correcting the above matter, along with a renewed petition under 37 CFR 1.78(a)(6), is required. No further petition fee is necessary.

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 Window located at:
U.S. Patent and Trademark Office
Customer Service Window 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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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APR 26 2010

OFFICE OF PETITIONS

In re Application of	:
Donald J. Stewart	:
Application No. 12/152,105	: DECISION GRANTING PETITION
Filed: May 9, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 338.01	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed March 31, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/917,036, filed May 9, 2007, as set forth in the in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional Application No. 60/917,036 filed on May 9, 2007 , as required by 37 1.78(a)(5)(iii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional 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)(5)(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. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), 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)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any 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 3643 for appropriate action on the amendment submitted March 31, 2010, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/152,105	05/09/2008	3643	515	338.01	18	3

CONFIRMATION NO. 3183

CORRECTED FILING RECEIPT

55409
MATHEW J. TEMMERMAN
423 E STREET
DAVIS, CA 95616

OC000000041287877

Date Mailed: 04/26/2010

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)

Donald J. Stewart, Merced, CA;

Power of Attorney: The patent practitioners associated with Customer Number 55409

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/917,036 05/09/2007

Foreign Applications

If Required, Foreign Filing License Granted: 05/22/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/152,105**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Multiple self watering container system

Preliminary Class

047

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

APR 05 2010

OFFICE OF PETITIONS

Donna M. Cotter
131 Greenfield Ave.
San Rafael CA 94901

In re Application of
Donna M. COTTER et al.
Application No. 12/152,110
Filed: May 9, 2008

ON PETITION

This is in response to the communication, filed March 4, 2010, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On August 17, 2009, the Office mailed a Notice of Allowability, which set a three month shortened statutory period to reply. The application became abandoned on November 18, 2009, for failure to submit a timely response to the Notice of Allowability. On February 16, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment because the issue fee was timely paid. Petitioner additionally states that the Issue Fee Transmittal was signed.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates that the issue and publication fees due were timely paid. The record also shows that Petitioner signed a Certificate of Mailing or Transmission (see the top right corner of the Issue Fee Transmittal). However, the Issue Fee Transmittal was not signed with an authorized signature (see the bottom left corner). Additionally, even though the paper's Certificate of Mailing or Transmission was signed by Donna M. Cotter, the Issue Fee Transmittal must be signed by both inventors, i.e., Donna M. Cotter and Laurie L. Anderson. See 37 CFR 1.33(b) which states that Amendments and other papers filed in the application must be signed by all of the applicants 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. For these reasons,

Petitioner's response to the Notice of Allowability mailed on August 17, 2009 is not considered timely and the instant petition is hereby dismissed.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Issue Fee Transmittal received on November 9, 2009.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 08/17/2009

Donna M. Cotter
131 Greenfield Ave.
San Rafael, CA 94901

11/10/2009 CCHAU2 00000112 12152110

01 FC:2501 755.00 OP
02 FC:1504 300.00 OP

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Donna M. Cotter	(Depositor's name)
Donna M. Cotter	(Signature)
11-5-09	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,110	05/09/2008	Donna M. Cotter		3499

TITLE OF INVENTION: CLOSET CARROUSEL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	11/17/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHAN, KO HUNG	3632	248-251000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type).
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
DONNA M COTTER

(B) RESIDENCE: (CITY and STATE OR COUNTRY)
131 GREENFIELD AVE
SAN RAFAEL, CA 94901

Please check the appropriate assignee category or categories (will not be printed on the patent): ☒ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☒ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

COPY MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Dobak, John D. III	:	DECISION ON PETITION
Application No. 12/152,160	:	TO WITHDRAW
Filed: May 13, 2008	:	FROM RECORD
Attorney Docket No. 139002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 3, 2009.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course.

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

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

As there is no Statement under 37 CFR 3.73(b) in the instant application, all future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DONALD K. MARSHAL
5008 JAY AVE
LAS VEGAS NV 89130

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JUN 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Donald K. Marshal	:	
Application No. 12/152,202	:	DECISION ON PETITION
Effective Date: May 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N/A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's driver's license 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 3617 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VENTURE PACIFIC LAW, PC
5201 GREAT AMERICA PARKWAY, SUITE 270
SANTA CLARA CA 95054

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NOV 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Zhao et al.	:	
Application No. 12/152,203	:	ON PETITION
Filed: May 12, 2008	:	
Attorney Docket No. BYD-US2007-060	:	

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

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

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

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Best Available Copy

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.
12/152,205	05/13/2008	Akira Isogai	4041P-000113	4446

7590 06/24/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
DAGER, JONATHAN M

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
06/24/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jarmel

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANCIS L. BIBBO
253 VEGA MOUNTAIN RD
DENVER NY 12421

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of

Francis Leonard Bibbo :

Application No. 12/152,208 :

: DECISION ON PETITION

Filed: July 14, 2008

:

Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 13, 2009, which set a period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on July 14, 2009.

The amendment filed February 12, 2010, is noted.

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 of currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Technology Center 3600, GAU 3673 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Lee Palmateer
Lee Palmateer Law Office
35 Second Street
Athens, NY 12015

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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LANGDALE & VALLOTTON, LLP
1007 N. PATTERSON STREET
VALDOSTA, GA 31601

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Salvatore Maggiacomo	:	
Application No. 12/152,237	:	DECISION ON PETITION
Filed: May 13, 2008	:	TO WITHDRAW
Attorney Docket No. 071181/S	:	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 12, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Langdale & Vallotton, LLP has been revoked by the applicant of the patent application on December 12, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to 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: SALVATORE MAGGIACOMO
1518 BOGIE DRIVE
TAMPA, FL 33612-7237

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Klaus P. Stoffel
Wolff & Samson PC
One Boland Drive
West Orange NJ 07052

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of :

Stark, Ross, Mojazza, Haghighat, and Schuler :

Application No. 12/152,258 : DECISION REFUSING STATUS

Filed: May 13, 2008 : UNDER 37 CFR 1.47(a)

Attorney Docket No. 11661-27 :

For: TEMPERATURE-CONTROLLED INDUCTION HEATING OF POLYMERIC MATERIALS

This is a decision on the petition under 37 CFR 1.47(a), filed January 7, 2009 (certificate of mailing dated January 5, 2009.)

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on May 13, 2008, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on June 3, 2008, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(a) was filed on January 7, 2008, with a request for an extension of time within the fifth month.

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

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

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

(3) the petition fee,

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

The instant petition lacks item (1) set forth above.

As to item (1), petitioner did not provide sufficient proof that inventor Mojazza cannot be located. Petitioner states that the application papers were sent to an address for inventor Mojazza, but the package was returned as undeliverable. Petitioner has not made a showing for inventor Mojazza that his conduct constituted a refusal to the join the prosecution of the application or that he cannot be located to join the prosecution of the application. Section 409.03(d) of the *Manual of Patent Examining Procedure* provides guidance as to what will suffice as sufficient proof that the non-signing inventor cannot be reached as is alleged in the instant petition. This section states, in pertinent part, as follows:

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

Petitioner has demonstrated that a copy of the application papers was sent to inventor Mojazza at an address that is defunct. In order to satisfy the diligence requirement, petitioner must provide some evidence of other efforts to locate inventor Mojazza according to the guidance provided by MPEP 409.03(d) cited above.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Klaus P. Stoffel
Wolff & Samson PC
One Boland Drive
West Orange NJ 07052

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of :
Stark, Ross, Mojazza, Haghighat, and Schuler :
Application No. 12/152,258 : DECISION NOTING JOINDER
Filed: May 13, 2008 :
Attorney Docket No. 11661-27 :
For: TEMPERATURE-CONTROLLED INDUCTION HEATING OF POLYMERIC MATERIALS

This is in response to the correspondence filed April 13, 2009, noting the joinder of inventor Mojazza in the above-cited application.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary. 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 CFR 1.47(a).

The Manual of Patent Examining Procedure ("MPEP"), § 409.03(j) provides that "[i]n the event the previously non-signing inventor decides to join the application by filing an executed oath or declaration complying with 37 CFR 1.63, the oath or declaration will be placed in the application file."

Accordingly, the declaration executed by the joint inventors is noted and made of record.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

PTO/SB/130 (03-08)
Approved for use through 06/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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	12/152,327	Confirmation Number	4698	Filing Date	2008-05-14
Attorney Docket Number (optional)	HES 2008-IP-007956U1	Art Unit	1793	Examiner	Unassigned
First Named Inventor	Craig Roddy				
Title of Invention	Extended Cement Compositions Comprising Oil-Swellable Particles and Associated Methods				

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
Jiten		Chatterji	

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	/Corey S. Tumey/	Date (YYYY-MM-DD)	2008-06-04
Name	Corey S. Tumey	Registration Number	57079

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Application of
Craig Roddy

Application No. 12152327

Filed: May 14,2008

Attorney Docket No. HES 2008-IP-007956U1

: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 04-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

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Susumu Takahashi	: DECISION ON REQUEST FOR
Patent Number	: 7667211	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/152,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

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APR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Elias Taye	:	
Application No. 12/152,337	:	DECISION ON PETITION
Filed: May 14, 2008	:	
Attorney Docket No. 89190.007908/DP-317322	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 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 June 10, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 11, 2008.

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

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

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
KAISER, Stewart R.	:	
Application No. 12/152,345	:	DECISION ON PETITION
Filed: May 13, 2008	:	TO WITHDRAW
Attorney Docket No. **209,269**	:	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 24, 2009.

The request is **APPROVED**.

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

The request was signed by J. David Dainow on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed June 01, 2009 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **STEWART R. KAISER**
10175 STONEHENGE CIRCLE #1405
BOYNTON BEACH, FL 33437

cc: **AIR HYDRONIC PRODUCT SOLUTIONS, INC.**
c/o CHARLES MINUTOLO
2503 N. E. 36TH STREET
CITY LIGHTHOUSE POINT, FL 33064

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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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND OH 44115

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
James R. **KEENE**	:	
Application No. 12/152,359	:	DECISION ON PETITION
Filed: May 15, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed June 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 3, 2008.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Raymond D. Foltz appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Foltz desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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

37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. **Since the application is**

not a utility or plant application filed before June 8, 1995, a terminal disclaimer is not required. Accordingly, the terminal disclaimer filed with the instant petition is unnecessary. Therefore, the fee of $70 will be refunded to petitioner in due course.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **RAMON D. FOLTZ**
9870 PARTRIDGE TRAIL
KIRTLAND, OH 44094

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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George F. Helfrich
c/o/Kaufman & Canoles
P.O. Box 3037
Norfolk VA 23514-3037

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JUN 3 0 2008

OFFICE OF PETITIONS

In re Application of :
Smith, et al. :
Application No. 12/152,414 :
Deposited: May 14, 2008 :
Attorney Docket No. LAR 17535-1/0127056 :

ON PETITION

This is a decision on the petition, filed on May 14, 2008, requesting that the Office accept the declarations signed by less than all of the applicants/owners of the above-identified application and permit co-prosecution of the above-identified application. The petition is being treated under 37 CFR 1.183, requesting waiver of 37 CFR 1.32(b)(4) in order to permit co-prosecution of the above-identified application.

The petition under 37 CFR 1.183 to waive 37 CFR 1.32(b)(4) is dismissed.

Any requests for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Director. Applicants have established that U.S. government attorneys are prohibited from representing non-government applicants before the USPTO and non-governmental attorneys cannot represent federal government employees who have assigned their patent rights to NASA before the USPTO.

However, applicants have not established that Michael W. Smith is a federal government employee who has assigned his rights to NASA. There is no record that an assignment between Mr. Smith and NASA has been recorded in the USPTO. In addition, it has not been established that Cheol Park and Kevin Jordan are non-government applicants and it appears that Mr. Park has not executed a declaration or power of attorney. The Office received declarations executed by only Mr. Smith and Mr. Jordan. Is Mr. Park a non-signing inventor? If so, a Rule 47(a) petition would be appropriate.

The $400.00 Rule 183 petition fee will be charged to deposit account no. 14-0116.

Telephone inquiries regarding this communication 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
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ELSA KELLER, LEGAL ASSISTANT
INTELLECTUAL PROPERTY DEPARTMENT
SIEMENS CORPORATION
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
James C. Reed et al :
Application No. 12/152,445 : ON PETITION
Filed: May 14, 2008 :
Attorney Docket No. 2007P09654US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed June 4, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1), the required reply to the Notice mailed June 4, 2008, has not been received.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ELSA KELLER, LEGAL ASSISTANT
INTELLECTUAL PROPERTY DEPARTMENT
SIEMENS CORPORATION
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

OCT 16 2009

OFFICE OF PETITIONS

In re Application of
James C. Reed et al
Application No. 12/152,445
Filed: May 14, 2008
Attorney Docket No. 2007P09654US01 (1867-0168)

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration and required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed June 4, 2008, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHALKER FLORES, LLP
2711 LBJ FRWY
SUITE 1036
DALLAS, TX 75234

COPY MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Haiying Huang et al	:	
Application No. 12/152,451	:	ON PETITION
Filed: May 14, 2008	:	
Attorney Docket No. UTAR:1028	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed July 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 12, 2008.

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 $800 extension of time submitted with the petition on February 22, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's credit card.

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

PTO/SB/64 (01-09)
Approved for use through 02/28/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
UTAR:1028

First named inventor: Huang

Application No.: 12/152,451

Art Unit: 2627

Filed: May 14, 2008

Examiner: Not Assigned

Title: Laser Reflection Optical Fiber Sensor

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

Refund Ref:
03/23/2009 0030068013

Credit Card Refund Total: $800.00

VISA....: XXXXXXXXXXXX8466

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☑ Small entity-fee $ 810 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Petition for Extension of Time (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

Adjustment date: 03/23/2009 CKHLOK
02/23/2009 INTEFSW 00005270 12152451
02 FC:2254 -800.00 CP

B. The issue fee and publication fee (if applicable) of $ _____

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/daniel chalker/	February 22, 2009
Signature	Date
Daniel Chalker	40,552
Typed or printed name	Registration Number, if applicable
Chalker Flores, LLP	(214) 866-0001
Address	Telephone Number
2711 LBJ Frwy, Suite 1036, Dallas, Texas 75234	
Address	

Enclosures:
☑ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☑ Additional sheets containing statements establishing unintentional delay
☑ Other: Petition for Extension of Time

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date _____ Signature _____

Typed or printed name of person signing certificate _____

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

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 03/16/09

2 Serial/Patent # 12/152,451

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time 2254		02/22/09	$ 800.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

Credit Card

7 TOTAL AMOUNT OF REFUND $ 800.00

8 TO BE REFUNDED BY:

	Treasury Check
	Credit Deposit A/C #:

9 [ ][ ] -- [ ][ ][ ][ ]

10 REASON:

	Overpayment
	Duplicate Payment
	No Fee Due (Explanation):

The extension of time period is over, no extension fee is due.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Irvin Dingle TITLE: Paralegal

SIGNATURE: PHONE: 2-3210

OFFICE: Petitions

****

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APPROVED: DATE: 3/23/09

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:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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

IPVENTURE, INC.
5150 EL CAMINO REAL, SUITE A-22
LOS ALTOS, CA 94022

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MAR 09 2010

In re Application of	:	
Thomas A. HOWELL, et *al.*	:	
Application No. 12/152,480	:	DECISION GRANTING PETITION
Filed: May 13, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **IPVCP007D1**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 4, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 9, 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 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

---

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

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

Peter K. Johnson
Snell & Wilmer L.L.P.
Beneficial Tower, Suite 1200
15 West South Temple
Salt Lake City UT 84101-1547

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Kevin L. Buchanan et al.	:	
Application No. 12/152,534	:	DECISION ON PETITION
Filed: May 14, 2008	:	TO WITHDRAW
Attorney Docket No. ISOS.0100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2009.

The request is **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 H. Platt on behalf of all attorneys/agents associated with customer number 20322. All attorneys/agents associated with customer number 20322 have been withdrawn.

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

All future correspondence will be directed to inventor/assignee. The address is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kevin L. Buchanan
2104 Belmont Drive
Clarksville, TN 37043

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/152,534	05/14/2008	Kevin L. Buchanan	ISOS.0100

CONFIRMATION NO. 5328

POWER OF ATTORNEY NOTICE

Peter K. Johnson
Snell & Wilmer L.L.P.
Beneficial Tower, Suite 1200
15 West South Temple
Salt Lake City, UT 84101-1547

OC000000039317234

Date Mailed: 12/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2009.

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

/kainabinet/

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

01 MAY 2006

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Samuel H. Dworetsky
AT&T Corporation
PO Box 4110
Middletown, NJ 07748-4110

In re Application of	:	
WARD, Andrew Martin Robert et al.	:	
Application No.: 10/468,690	:	DECISION ON
PCT No.: PCT/GB02/00718	:	
Int. Filing Date: 19 February 2002	:	PETITION UNDER
Priority Date: 21 February 2001	:	
Attorney Docket No.: 1999-0457	:	37 CFR 1.47(a)
For: LOCATION SYSTEM AND	:	
COMMUNICATION SYSTEM	:	

This is a decision on applicants' "Renewed Petition Under 37 C.F.R. §1.47(a)," filed in the United States Patent and Trademark Office (USPTO) on 22 December 2004.

BACKGROUND

On 28 June 2004, applicants provided a declaration of the inventors executed by inventor Stephen Hodges.

On 23 September 2004, the Office mailed Decision on Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 22 December 2004, applicants submitted the instant renewed petition, accompanied by declarations executed by two of the three previously non-signing inventors.

DISCUSSION

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

Items (1), (3) and (4) were previously satisfied.

Item (2) has been satisfied. On 28 June 2004, applicants supplied a declaration executed by Steven Hodges. Applicants have now supplied a declaration executed by inventors Newman

and Curwen. Applicants allege that inventor Steggles has refused to execute the declaration after presentation with a complete copy of the application papers. The emails and declarations adequately support the allegation.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **22 December 2004**.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

01 MAY 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Peter Steggles
70 Melvin Way
Histon, Cambridge
Cambridgeshire CB4 9HZ
Great Britain

In re Application of
WARD, Andrew Martin Robert et al.
Application No.: 10/468,690
PCT No.: PCT/GB02/00718
Int. Filing Date: 19 February 2002
Priority Date: 21 February 2001
Attorney Docket No.: 1999-0457
For: LOCATION SYSTEM AND COMMUNICATION SYSTEM

Dear Mr. Steggles:

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

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

Samuel H. Dworetsky
AT&T Corporation
PO Box 4110
Middletown, NJ 07748-4110

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

Chameleon Scientific Corporation
Ionic Fusion Corporation
13355 10th Avenue North, Suite 108
Plymouth, MN 55447

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JUL 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Christina K. Thomas et al.	:	
Application No. 12/152,698	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. IFC-126 US	:	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 a statement applicant's attorney and a photocopy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Patent Processing, this application will be referred to Technology Center Art Unit 1794 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ashan & Associates
P.O. Box 251
Hopewell Junction, NY 12533

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JUL 24 2008

In re Application of	:	
Mark William Dixon	:	
Application No. 12/152,743	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 2008-314-KCT	:	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 18, 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 Aziz M. Ahsan on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Mark William Dixon at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mark William Dixon**
599 Wurtemburg Road
Rhinebeck, NY 12572

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/152,743	05/16/2008	Mark William Dixon	2008-314-KCT

CONFIRMATION NO. 5735

POWER OF ATTORNEY NOTICE

33217
AHSAN & ASSOCIATES
P.O. BOX 251
HOPEWELL JUNCTION, NY 12533

OC000000031128863

Date Mailed: 07/22/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2008.

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

/tswilliams/

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

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JAN 21 2010

OFFICE OF PETITIONS

KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road
SUITE 215
Westlake Village CA 91361-5827

In re Application of	:	
Alex CHAN et al	:	DECISION ON PETITION
Application No. 12/152,766	:	TO MAKE SPECIAL UNDER
Filed: May 16, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. P0893US-T	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 29, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The

petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 5 and 9 as noted below.

In regard to item 5, it is noted the petition includes a statement explaining how the instant application materially contributes to category (B). The instant invention is directed to an "Apparatus And System For Miniature Surface Mount Devices". Petitioner explicitly states that the invention relates to multi-element solid state lighting devices and that lighting from solid state lighting devices has been found to be more energy efficient than traditional lighting methods and results in more efficient utilization and conservation of energy resources. However, the use of solid state lighting devices is well known. Additionally, the arguments set forth pertain to a generic solid state lighting device apparatus and the statement does not make clear how the instant claimed invention materially contributes to either Category (A) or (B) .

In regard to item 9, 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). Since the publication fee was not included and no authorization was given for charging this fee, the petition is dismissed.

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

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

By 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 2818 for action in its regular turn.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road
SUITE 215
Westlake Village CA 91361-5827

In re Application of	:	
CHAN et al.	:	DECISION ON PETITION
Application No. 12/152,766	:	TO MAKE SPECIAL UNDER
Filed: 16 May 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. P0893US-T	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 29, 2009 and renewed on 29 January 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2895 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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Walter L. Beavers
326 South Eugene Street
Greensboro, NC 27401

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JUL 0 9 2008

OFFICE OF PETITIONS

In re Application of	:	
James B. Mabry	:	
Application No. 12/152,767	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 03114.02	:	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 a declaration by the applicant James B. Mabry. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3641 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004

Mail Date: 07/26/2010

Applicant	: Mark Keiji Inahara	: DECISION ON REQUEST FOR
Patent Number	: 7647892	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/152,770	: 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 **54** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/152,798	05/16/2008	Jun Itou	5354-49	5959

27799 7590 05/27/2010
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER
URBAN, EDWARD F

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
05/27/2010	PAPER

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

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

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
ITOU, JUN	:	DECISION ON REQUEST TO
Application No. 12/152,798	:	PARTICIPATE IN PATENT
Filed: May 16, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **5354-49**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 18, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Helmut BENDER et al.	:	
Application No. 12/152,865	:	DECISION ON PETITION
Effective Date: May 16, 2008	:	
Attorney Docket No. **MB 540**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 02, 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 03, 3008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and a declaration, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of June 02, 2008 is accepted as having been unintentionally delayed.

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

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

on Dec. 12, 2008, at which time however the employer had closed its Offices and shut down manufacturing operations until Jan. 07, 2009 because of slow car sales.

It was certainly not the intention of Applicants or of the Assignee to abandon the present application, that is the entire delay in filing the required documents from the due date of the reply to the Notice to File Missing Parts until the filing of this petition under 37 CFR 1.137(b) was unintentional.

Enclosed herewith are:

1. Petition fee to revive unintentionally abandoned application $ 1,620.00 to charge the Deposit **account No. 500465** of the undersigned

2. Copy of the Notice to File Missing Parts and the declarations duly signed by the inventors together with a cover letter authorizing the required charges to the deposit account of the undersigned .

The Office is respectfully requested to revive the present application.

Respectfully submitted,

K. Bach

Klaus J. Bach, Reg. No. 26832

PAGE 3/9 * RCVD AT 1/30/2009 11:59:54 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID:7243270004 * DURATION (mm-ss):02-40

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MB 540

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMATED SHIFT TRANSMISSION

the specification of which is attached hereto or was filed on date: 16/05/08 under SN: 12/152,865

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56 I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date (1) before that of the application on which priority is claimed or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

Number	Country	Day/Month/Year Filed	Priority Claimed

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT International applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application.

PRIOR U.S. OR PCT APPLICATION(S)

Application Serial No	Day/Month/Year filed	Status
60/830682	17/05/07	pending

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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint

Klaus J. Bach (Reg.-No. 26,832), Tel 724-327-0664; Ronald S. Lombard (Reg. No. 28321)

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

1) Inventor's Signature Helmut Bender Date December 12 2008
Inventor's Name: Helmut Bender Country of Citizenship: Germany
Residence (city): Pleidelsheim State/Foreign Country: Germany
Post Office Address: Amselweg 2, 74385 Pleidelsheim, Germany

2) Inventor's Signature _____ Date _____
Inventor's Name: Carsten Gitt Country of Citizenship: Germany
Residence (city): Stuttgart State/Foreign Country: Germany
Post Office Address: Margaretenstrasse 26, 70327 Stuttgart, Germany

3) Inventor's Signature _____ Date _____
Inventor's Name: Detlev Schnitzer Country of Citizenship: Germany
Residence (city): Denkendorf State/Foreign Country: Germany
Post Office Address: Lucas-Cranach-Weg 12, 73779 Denkendorf, Germany

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KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668 USA
TEL: 724-327-0664
FAX: 724-327-0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case: MB 540

Applicant(s): Helmut Bender, Carsten Gitt, Detlef Schnitzer
Serial No.: 12/152865
Filing Date: 16/05/08

Title: AUTOMATED SHIFT TRANSMISSION

Mailstop: Petition

Attention: Office of Petitions
Commissioner for Patent
Alexandria VA 22313-1450

January 29, 2009

Petition under 37 CFR 1.137(b)

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on 1-30-09.
(Date)

Typed or printed name of person signing this certificate:

K. Bach

Signature: K. Bach

Registration Number: 26832

Including: Petition
Response to Notice to file Missing Parts with declarations (3) and
copy of Notice to file Missing Parts dated 06/02/08

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JAN 30 2009

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668 USA
TEL: 724-327-0664
FAX: 724-327-0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case: MB 540

Applicant(s): Helmut Bender, Carsten Gitt, Detlef Schnitzer
Serial No.: 12/152865
Filing Date: 16/05/08

Title: AUTOMATED SHIFT TRANSMISSION

Mailstop: Petition

Attention: Office of Petitions
Commissioner for Patent
Alexandria VA 22313-1450

January 29, 2009

Petition under 37 CFR 1.137(b)

This is a petition to the Commissioner for the revival of the above-identified application, which is technically abandoned although no Notice of Abandonment has been received.

The reason for abandonment: Applicants failure to timely return the Notice to file missing parts together with the declaration signed by the inventors and to pay the required fees.

It is pointed out however that the undersigned has been unable to timely receive the signed declaration forms from the inventors or rather from the inventors employer i. e. the Assignee (Daimler AG – Mercedes Benz) since the original form supplied for the inventors signature which the employer had sent trough the chain of inventors for successive signature had apparently been lost in the process. Follow-up declaration forms were sent separately one to each inventor in order to beat the deadline but one of the inventors, Mr. Bender could not be reached before the final deadline of December 02/08. His declaration was finally signed by him

02/02/2009 VBUI11 00000004 500465 12152865
05 FC:1453 1620.00 DA

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 12152865 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
02/11/2009	00000030	1	8021	$40.00	02/09/2009	DA 500465
02/02/2009	00000008	1	1011	$330.00	01/30/2009	DA 500465
02/02/2009	00000009	1	1111	$540.00	01/30/2009	DA 500465
02/02/2009	00000010	1	1311	$220.00	01/30/2009	DA 500465
02/02/2009	00000011	1	1051	$130.00	01/30/2009	DA 500465
02/02/2009	00000012	1	1453	$1,620.00	01/30/2009	DA 500465

UNITED STATES PATENT AND TRADEMARK OFFICE

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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE NC 28202-4000

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OFFICE OF PETITIONS

In re Application of	:	
Clark et al.	:	DECISION ON PETITION
Application No. 12/152,902	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. 26401/10253	:	

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 9, 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 27530 was revoked by the assignee of the patent application on August 26, 2009. 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: JELD-WEN, INC. - STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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JOSEPH A. FUCHS
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233 S. WACKER DRIVE
SUITE 5450, SEARS TOWER
CHICAGO, IL 60606-6306

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Shuyi Zhang	:	
Application No. 12/152,934	:	DECISION ON PETITION
Filed: May 19, 2008	:	
Atty Docket No. 115024.00003	:	

This is a decision on the PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATON AND PETITION TO ACCEPT ORIGINAL DATE OF DEPOSIT AS FILING DATE filed October 15, 2008. Given the arguments on petition and the status of the application, this petition is properly treated as a petition to withdraw the "Notice of Termination of Proceedings Under 37 CFR 1.53(e)" and to accord the above-identified application a filing date of May 19, 2008.

The petition to withdraw the Notice of Termination of Proceedings Under 37 CFR 1.53(e) is **GRANTED**.

The petition to accord the above-identified application a filing date of May 19, 2008 is **GRANTED**.

BACKGROUND

Application papers in the above-identified application were deposited on May 19, 2008[1]. By NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION mailed June 5, 2008, applicant was advised that the application had not been accorded a filing date because the application was deposited without drawings. This Notice set a two-month period for reply and also required an executed oath or declaration under 37 CFR 1.63. No reply was received. Accordingly,

[1] A review of USPS records, as restored from Offline records through www.usps.com, confirms that the application papers were deposited in the Express Mail service of the United States Postal Service on May 19, 2008 pursuant to 37 CFR 1.10.

by Notice mailed September 15, 2008, applicant was advised that proceedings in the above-identified application were terminated. This Notice set a two-month period for reconsideration.

On October 15, 2008, patent attorney Joseph A. Fuchs filed the instant petition on behalf of applicant Shuyi Zhang. Petitioner states that the abandonment of this application was unintentional.

Preliminarily, it is noted that the application was not abandoned within the meaning of 37 CFR 1.137(b) but rather proceedings were terminated. Thus, filing of a petition to revive is inappropriate. Applicant should have timely requested reconsideration of the termination of proceedings, as stated on the Notice. Furthermore, the petition was filed outside of the two-month period for taking action in response to the Notice of Termination of Proceedings. Nonetheless, the circumstances of the termination of proceedings and of the delay in filing a petition have been considered, and it is concluded that under the circumstances, the petition will be treated on the merits and the Notice of Termination will be withdrawn.

RELEVANT STATUTES AND REGULATIONS

35 U.S.C. 111(a)(4) provides, in pertinent part, that:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, as stated in MPEP 601.01(f)

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

MPEP 601.01(f) also states that:

> a nonprovisional application having at least one claim …, directed to subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application without all of the drawing figures referred to in the specification as discussed in MPEP §601.01(g), so long as the application

> contains something that can be construed as a written description.

And MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, …, OPAP will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

DISCUSSION

The application has been reviewed and it is controlling that the application as deposited on May 19, 2008 included composition claims. Thus, the application, containing a specification and at least one claim was complete within the meaning of 37 CFR §1.53(b) without drawings, and entitled to a filing date of May 19, 2008. See MPEP 601.01(f).

Accordingly, the petition is granted to the extent that the nonprovisional application will be accorded the May 19, 2008 filing date with no drawings as a part of the original disclosure of the application.

Given the basis for granting the petition to accord a filing date, the petition fee is subject to refund. Accordingly, the $400 petition fee is being credited to counsel's deposit account.

Since consideration of the petition under 1.137(b) is unnecessary, the $810 petition fee is also being refunded.

This application is being forwarded to the Office of Patent Application Processing for:

- **according the filing date of May 19, 2008**, using the papers filed on that date;
- indication in Office records, as appropriate, that "0" sheets of drawings were present on filing;
- **withdrawing of the Notice of Termination of Proceedings mailed June 5, 2008** and processing of any fee adjustments, as appropriate; and

- processing of the declaration filed October 15, 2008, including the late surcharge.

Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from OPAP.

Telephone inquiries specific to this decision may be directed to the undersigned at(571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
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In re Application of	:	
XUE, Jiuzhi	:	DECISION ON PETITION
Application No. 12/152,969	:	TO MAKE SPECIAL UNDER
Filed: May 19, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 28262-704.201	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 9, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant

will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 5 as explained in more detail below.

In regard to item 1, this application has been classified (USPC 359/288) in an area that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not be eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified else where.. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, it is noted that the petition includes a statement explaining how the instant application materially contributes to categories (A) and (B). The instant invention is directed to a multilayer dielectric optical structure, for selectively reflecting predetermined wavelength and a method of manufacturing multilayer optical structure. In the statement accompanying the instant petition, petitioner states that the invention "relates to temperature activated optical films within optical structures such as windows for improving regulation of internal climate control of living spaces. For example, embodiments of the invention could be installed in commercial buildings and residential spaces to reduce heating and cooling expenses." Petitioner's argument appears to be that the use of temperature activated optical films in windows in both commercial and residential building will contribute to a reduction in heating and cooling costs and thus, lead to the more efficient utilization and conservation of energy resources. However, petitioner should note that any potential reduction in energy consumption via the temperature activated optical films depends upon how an end user might use the instant invention. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could material contribute to either category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to either category (A) or (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 FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

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

The application is being forwarded to the Technology Center Art Unit 2873 for action in its regular turn.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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CST

February 4, 2010

In re application of	:	DECISION ON REQUEST TO
Sadahiko Matsumura	:	PARTICIPATE IN PATENT
Serial No. 12/153,070	:	PROSECUTION HIGHWAY
Filed: May 13, 2008	:	PROGRAM AND
For: MOTORCYCLE TIRE FOR	:	PETITION TO MAKE SPECIAL
OFF-ROAD TRAVELING	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 2, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

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APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
CHO, Young-Jin et al.	:	
Application No. 12/153,104	:	DECISION ON PETITION
Filed: May 14, 2008	:	TO WITHDRAW
Attorney Docket No. **249/400 DIV 2**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2009.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JOHN A. CASTELLANO, ESQ.**
HARNESS, DICKEY & PEIRCE
11730 PLAZA AMERICA DRIVE
SUITE 600
RESTON VA 20190

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OCT 19 2009

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Naoto Moriya et al. Application No. 12/153,112 Filed: May 14, 2008 For: SHIFT CONTROL DEVICE AND RATIO CONTROL METHOD FOR AUTOMATIC TRANSMISSION	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 15, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

In light of the amendment filed October 15, 2009, the request and petition comply with the above requirements. Accordingly, the above identified application has been accorded "special" status.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 10/16/09

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MILBANK, TWEED, HADLEY & MCCLOY, LLP
INTERNATIONAL SQUARE BUILDING
1850 K STRET, N.W., SUITE 1100
WASHINGTON, DC 20006

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Jun Zhang, et al.	:	
Application No. 12/153,166	:	DECISION ON PETITION
Filed: May 14, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 38184.00902DIV	:	

This is a decision on the petition under 37 CFR 1.78(a)(3) which is being treated as a petition under 37 CFR 1.78(a)(6), filed January 27, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with items (1) and (3).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. 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). The incorporation of application serial no. 60/568,485 is improper.

Before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, 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

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WASHINGTON DC 20006

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of	:
Zhang et al.	:
Application No. 12/153,167	: DECISION ON PETITION
Filed: May 14, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 38184.00901DIV	:
	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 27, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The intermediate nonprovisional application was filed on October 21, 2004, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/568,485, which was filed on May 6, 2004, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the second sentence of the specification following the title.

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

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

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

Accordingly, since the provisional Application No. 60/568,485 was not in the original specification, the incorporation by reference statement cannot be used in reference to the application.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6), 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 Window located at:

U.S. Patent and Trademark Office
Customer Service Window 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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of

Adamousky, et al.

Application No. 12/153,168

Filed: May 14, 2008

Attorney Docket No. 30150.0.0

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 9, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on July 28, 2008, after it was believed that no response was received to the Notice to File Corrected Application Papers mailed May 27, 2008. The notice allowed a shortened period for reply of two (2) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on February 4, 2009, indicating that a reply to Notice to File Corrected Application Papers was not received.

Petitioner states that a response to the Notice to File Corrected Application Papers was filed on June 23, 2008. An Office date-stamped postcard whereby the USPTO acknowledged receiving the response on June 23, 2008, accompanied the petition. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to the Office of Patent Application Processing, for further processing including review of the replacement drawings filed June 23, 2008, a copy of which was filed with the petition on February 19, 2009.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 41200
SOUTH STATION
ARLINGTON VA 22204

In re Application of	:	
Glenn D. Adamousky, et al.	:	
Application No. 12/153,168	:	DECISION ON PETITION
Filed: May 14, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30150.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, Gordon T. Graves declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson 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 3714 for action on the merits commensurate with this decision.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Moorer, Virgin, Groce, and	:	
McMahon	:	DECISION ACCORDING STATUS
Application Number: 12/153182	:	UNDER 37 CFR 1.47(a)
Filing Date: 05/14/2008	:	
Attorney Docket Number:	:	
2047672-5045US	:	

This is a decision in response to the petition under 37 CFR 1.47(a) filed on October 6, 2008.

The petition is **GRANTED**.

Petitioners have shown, via the affidavit of David Freeland, that a copy of the application was mailed to the last known address of the non-signing inventor, Chris Groce, but was returned as undeliverable. Additionally, attempts were made to contact the non-signing inventor by phone and to locate a more recent address for the non-signing inventor by means of an Internet search. However, the non-signing inventor could not be found or reached.

Accordingly, petitioners have shown that despite diligent efforts, the non-signing inventor could not be located.

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, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized in the subject petition.

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

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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Chris Groce
1047 Lincoln Avenue
Columbus OH 43229

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NOV 2 1 2008

OFFICE OF PETITIONS

In re Application of
Moorer et al.
Application No. 12/153,182
Filed: May 14, 2008
For: CUSTOMIZABLE MEDIA DEVICE

Dear Mr. Groce:

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

MCGUIREWOODS LLP
1750 TYSONS BLVD.
SUITE 1800
MCLEAN VA 22102-4215

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.
12/153,232	05/15/2008	Romain Bertrand	137066	5022

EXAMINER

7590 08/06/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
08/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 NFARMER 0000168267

CHECK Refund Total: $510.00

Adjustment date: 08/07/2009 NFARMER
05/16/2008 DEMMANU1 00000060 12153232
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Chung-Hsien Hsin	: DECISION ON REQUEST FOR
Patent Number	: 7598580	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/153,237	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,264	05/15/2008	Ji-Hwan Seol	P58698	5005

7590 10/23/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

Repan. Key: 10/26/2009 SPOWELL 0014325600
DAN:824343 Name/Number:12153264
FC: 3204 $510.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT W. KOCHER
4828 3RD STREET NORTH
ARLINGTON VA 22203

COPY MAILED

MAR 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert W. Kocher	:	
Application No. 12/153,268	:	DECISION ON PETITION
Filed: May 15, 2008	:	
Title: Stock Trading Limit Order Coupled Link (Lock)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed June 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) were obtained. Accordingly, the application became abandoned on August 4, 2008. A Notice of Abandonment was mailed February 9, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

With respect to item (1), petitioner has submitted $105.00 towards the current required $110.00 Additional Claim fee, thus creating a $5.00 shortage.

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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT W. KOCHER
4828 N. 3RD STREET
ARLINGTON VA 22203

MAILED

APR 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert W. Kocher	:	
Application No. 12/153,268	:	DECISION ON PETITION
Filed: May 15, 2008	:	
Title: Stock Trading Limit Order Coupled Link (Lock)	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 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 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) were obtained. Accordingly, the application became abandoned on August 4, 2008. A Notice of Abandonment was mailed February 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 an Oath/Declaration and surcharge fee of $65.00 (previously paid on February 13, 2009) and the Additional Claim fee of $110.00; (2) the petition fee of $810.00(previously paid on February 13, 2009), and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

OIPE
APR 01 2009
IAP81
PATENT & TRADEMARK OFFICE

In The United States Patent and Trademark Office

04/24/2009 CKHLUK 00000009 12153268
01 FC:2051 65.00 OP

Application Number: 12/153,268
Application Filed: May 15, 2008
Applicant: Robert W. Kocher
Title: Stock Trading Limit Order Coupled Link (LOCK)

1 April 2009

U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Refund Ref:
04/24/2009 0030069245

Credit Card Refund Total: $65.00
VISA....: XXXXXXXXXXXX1837

Subject: Request for Reconsideration of Petition for Revival of an Application

Sir/Madam:

Petitioner requests a reconsideration of petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b).

Petitioner submits a payment for the Additional Claim Fee shortage amount of $5.00.

Respectfully,

Robert W. Kocher
Applicant Pro Se
4828 3rd Street North
Arlington, VA 22203
(703) 969-5765

Adjustment date: 04/02/2009 AWONDAF1
02/18/2009 SSANDARA 00000006 12153268
03 FC:2622 -105.00 OP

04/02/2009 AWONDAF1 00000101 12153268
01 FC:2201 110.00 OP

Adjustment date: 04/24/2009 CKHLUK
02/18/2009 SSANDARA 00000006 12153268
02 FC:2251 -65.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Waelbroeck et al.	:	DECISION ON PETITION
Application No. 12/153,362	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket: 28655.018	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Blank Rome, LLP was revoked as power of attorney by the assignee of the patent application on April 7, 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: PATENT DOCKET CLERK
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

COPY MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
	:	
Application No. 12/153,388	:	DECISION ON PETITION
Filed:	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 8, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Bruce Bent stating 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 Irvin Dingle at 571-272-3210. 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 3693 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HERTEN, BURSTEIN, SHERIDAN
CEVASCO, BOTTINELLI, LITT & HARZ, LLC
COURT PLAZA NORTH
21 MAIN STREET
HACKENSACK, NJ 07601

COPY MAILED

AUG 27 2008

In re Application of	:	
Samir Botros SHENOUDA	:	
Application No. 12/153,391	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. KUT-026	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,418	05/19/2008	Takahisa Mizuta	302/119	6511

7590 06/29/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/29/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,436	05/19/2008	Kenichi Yoshizawa	1186.1063	7259

21171 7590 07/31/2008
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
WARD, JOHN A

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
07/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of
Kenichi YOSHIZAWA, et al.
Application No.: 12/153,436
Filed: 5/19/2008
Attorney Docket No.: 1186.1063

For: BACKLIGHT UNIT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 7/16/2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
   ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of
Magnus Krogh et al
Application No. 12/153,444
Filed:May 19, 2008
Attorney Docket No. 10400C-000196/US/NPB

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 11, 2008.

The petition 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 Donald J. Daley on behalf of all the attorneys/agents of record associated with Customer No. 30593.

All attorneys/agents of record 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 Magnus Krogh at the first address indicated below.

Telephone inquires concerning this decision should be directed to Karen Creasy at 571-272-3208.

This application is being referred to Technology Center AU 3763.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

MAGNUS KROGH
GRIPGATAN 6A, 582 43
LINKOPING, SWEDEN

MR. MELVIN A. ROBINSON
SCHIFF HARDIN LLP,
6600 SEARS TOWER 233
SOUTH WACKER DRIVE
CHICAGO IL 60606-6473

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
12/153,444	09/08/2008	Magnus Krogh	10400C-000196/US/NPB

CONFIRMATION NO. 6466

POWER OF ATTORNEY NOTICE

30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

OC000000036236590

Date Mailed: 06/01/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/11/2008.

- 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.

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
12/153,444	09/08/2008	Magnus Krogh	10400C-000196/US/NPB

CONFIRMATION NO. 6466

POA ACCEPTANCE LETTER

MAGNUS KROGH
GRIPGATAN 6A, 582 43
LINKOPING,
SWEDEN

"OC000000036236591"

Date Mailed: 06/01/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/11/2008.

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.

/kocreasy/

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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United States Patent and Trademark Office
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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Prasad et al.	:	DECISION ON PETITION
Application No. 12/153,446	:	TO WITHDRAW
Filed: May 16, 2008	:	FROM RECORD
Attorney Docket No. 069611-0651	:	

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.

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 Antoinette F. Konski on behalf of all attorneys of record who are associated with customer No. 38706.

All attorneys/agents associated with the Customer Number 38706 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

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. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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.
12/153,446	05/16/2008	Achampeta Rathan Prasad	069611-0651	5856

93764 7590 03/24/2010
Kythera Biopharmaceuticals, Inc.
c/o Swiss Tanner, P.C.
P.O. Box 1749
Los Altos, CA 94023-1749

EXAMINER
BADIO, BARBARA P

ART UNIT	PAPER NUMBER
1628	

MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Kythera Biopharmaceuticals, Inc.
c/o Swiss Tanner, P.C.
P.O. Box 1749
Los Altos CA 94023-1749

MAR 2 4 2010

In re Application of	:	
PRASAD, ACHAMPETA RATHAN et. al.	:	DECISION ON REQUEST TO
Application No. 12/153,446	:	PARTICIPATE IN PATENT
Filed: May 16, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 069611-0651	:	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 January 6, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the UKPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(5) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Wen-Hsiang Chen	: DECISION ON REQUEST FOR
Patent Number	: 7595981	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/153,466	: 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/02/2010

Applicant	: David Min-Liang Yang	: DECISION ON REQUEST FOR
Patent Number	: 7651222	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/153,468	: 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/19/2010

Applicant	: Wen-Jang Chen	: DECISION ON REQUEST FOR
Patent Number	: 7619074	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/153,473	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,595	05/21/2008	Akihiro Misawa	T36-246833/SW	7922

21254 7590 08/31/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

In re Application of: MISAWA et al Application Serial No.: 12/153,595 Filed: May 21, 2008 For: VEHICLE-PURPOSE LIGHTING TOOL	**DECISION ON PETITION TO CORRECT INVENTORSHIP** ***37 CFR § 1.48 (a)***

This is a decision on the petition under 37 C.F.R. § 1.48 (a) filed December 23, 2008 to correct Inventorship in the above-identified Patent Application.

The instant application was filed May 21, 2008 listing Akihiro Misawa, Tetsuya Arakawa and Tatsuya Oba as the only inventor(s). Petition requests that the above-identified application amend the inventorship to add the following inventor, which was unintentionally omitted.

Akihiko Ishikawa (added)

Based on the filed record as a whole and the facts as set forth and in the petition, the error in inventorship occurred without deceptive intent and was diligently corrected.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the technical support staff for the name correction, and will then be returned to the examiner to continue the examining process.

Jong-Suk (James) Lee
Supervisory Patent Examiner
Art Unit 2885

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Yutaka Inoue	: DECISION ON REQUEST FOR
Patent Number	: 7653114	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/153,681	: 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 **86** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,699	05/22/2008	Shigeyuki Suzuki	1000409-000284	8349

7590 09/24/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
KELLER, MICHAEL J

ART UNIT	PAPER NUMBER
3634	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2009 NFARMER
05/23/2008 SZEWDIE1 00000074 024800 12153699
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

In re Application of	:	
Jung Kyu Park, et al.	:	
Application No.: 12/153,719	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No.: 069576-0368	:	

This is a decision on the petition, filed October 13, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 29, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2891 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.
12/153,729	05/23/2008	Takamitsu Sakai	SAKA3018/GAL	9011

7590 10/08/2009
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
KONG, SZE-HON

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
10/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON, DC 20005-1202

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JUL 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
REEVES JR., James B.	:	
Application No. 12/153,766	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **P58729**	:	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 copy of the inventor's birth certificate as evidence that James B. Reeves, Jr. is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

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SEP 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Yau Shan Szeto et al.	:	
Application No. 12/153,833	:	DECISION ON PETITION
Filed: May 27, 2008	:	TO WITHDRAW
Attorney Docket No. IP-304C	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 21, 2008.

The request is **APPROVED**.

A review of the file record indicates that Robert M. DeWitty: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Robert M. DeWitty has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address has been changed to that of the first signing inventor.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Yau Shan Szeto
The Hong Kong Polytechnic University
Hung Hom
Kowloon, Hong Kong

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/153,833	05/27/2008	Yau Shan Szeto	IP-304C

CONFIRMATION NO. 9390

POWER OF ATTORNEY NOTICE

The Hong Kong Polytechnic University
Suite 600
1800 Diagonal Road
Mailbox # 119
Alexandria, VA 22314

OC000000032241814

Date Mailed: 09/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:
Cornelis Bartholomeus Maria, VAN MIL, et *al.*	:
Application No. 12/153,863	: DECISION GRANTING PETITION
Filed: May 27, 2008	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **0142-0638PUS1**	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 16, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **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 23, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,870	05/27/2008	Toru Morita	137187	9215

7590 03/22/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
BENSON, WALTER

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
03/22/2010	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

Adjustment date: 03/19/2010 MFARMER
02 FC:1111 -510.00 CP

FORM PET651G (Rev. 08/07)

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TORONTO ON M5X 1G5 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Hon et al.	:	DECISION REFUSING STATUS
Application No. 12/153,899	:	UNDER 37 CFR 1.47(b)
Filed: May 27, 2008	:	
Attorney Docket No. T8467898USCON	:	

This is in response to the "Petition Under 37 CFR 1.47(a), filed January 16, 2009, which is properly being treated under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks items (1), (2), (5), and (6) set forth above. See MPEP 409.03(b).

Further, petitioner states that a verbal consultancy proposition, which was made by Francis Gingras of assignee, Emergis, Inc., to inventors, Lenny Hon and Ken Schneider, was included with the instant petition as Exhibit F. Also in Exhibit F was Ken Schneider's counter offer, along with Francis Gingras' refusal of counter offer. However, after a review of the instant petition, it appears that Exhibit F was not included.

Further, although the sheet labeled EXHIBIT "E" was received, the exhibit itself was not. As such, there is no indication herein that the inventors were presented with a copy of the complete application papers for this application.

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 Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEN SCHNEIDER
147 SNOWBRDIGE WAY
R.R. #3
COLLINGWOOD, ONTARIO L9Y 3Z2
CANADA

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Hon et al.	:	
Application No. 12/153,899	:	ON PETITION
Filed: May 27, 2008	:	
Attorney Docket No. T8467898USCON	:	

Mr. Schneider,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as 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 in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LENNY HON
216 FARMSTEAD ROAD
RICHMOND HILL, ONTARIO L4S 2J6
CANADA

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Hon et al.	:	
Application No. 12/153,899	:	ON PETITION
Filed: May 27, 2008	:	
Attorney Docket No. T8467898USCON	:	

Mr. Hon,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KEN SCHNEIDER
147 SNOWBRDIGE WAY
R.R. #3
COLLINGWOOD, ONTARIO L9Y 3Z2
CANADA

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Hon et al.	:	
Application No. 12/153,899	:	ON PETITION
Filed: May 27, 2008	:	
Attorney Docket No. T8467898USCON	:	

Mr. Schneider,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as 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 in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/s/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LENNY HON
216 FARMSTEAD ROAD
RICHMOND HILL, ONTARIO L4S 2J6
CANADA

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Hon et al.	:	
Application No. 12/153,899	:	ON PETITION
Filed: May 27, 2008	:	
Attorney Docket No. T8467898USCON	:	

Mr. Hon,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as 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 in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/s/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GOWLING LAFLEUR HENDERSON LLP
SUITE 1600, 1 FIRST CANADIAN PLACE
100 KING STREET WEST
TORONTO ON M5X 1G5 CA CANADA

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Hon et al.	:	
Application No. 12/153,899	:	DECISION GRANTING STATUS
Filed: May 27, 2008	:	STATUS UNDER 37 CFR 1.47(b)
Attorney Docket No. T8467898USCON	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed May 17, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors, Lenny Hon and Ken Schneider, have 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to Technology Center AU 2194 for examination on the merits of the application.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

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AUG 28 2008

OFFICE OF PETITIONS

In re Application of
Brian Charles Monk et al.
Application No. 12/153,902
Filed: May 27, 2008
Attorney Docket No. P69544US0

: DECISION GRANTING
: PETITION

This is a decision on the filing date petition filed July 30, 2008. The petition is treated under 37 CFR 1.53(e)(2).

The application was filed on May 27, 2008. However, on June 19, 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 with seventeen sheets of drawings. Petitioner contends that "... the secretary filing the application clearly remembers the drawings being attached to the Specification. Notwithstanding, the drawings are identical to parent Application Serial No. 10/487,540 and the entire disclosure of that application, including the drawings, was incorporated by reference. In support of petitioner's contention that drawings were filed with the other application papers deposited on May 27, 2008, petitioner has provided, *inter alia*, a copy of the original transmittal used to file the application.

However, other than petitioner's argument and a copy of the transmittal, no other proof to substantiate the claim that drawings were submitted upon filing, has been provided. The arguments and evidence supplied with the petition have been carefully considered, but are not persuasive. At best, the application transmittal sheet and the secretary's recollections show that petitioner *intended* to file the drawings in question on May 27, 2008, but the evidence, unfortunately, does not show that the USPTO received the drawings on May 27, 2008.

It is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or

otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of MPEP 503.[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[2]

The return postcard procedure described at MPEP 503 provides a basis by which petitioner may show that an application or parts thereof were received in the USPTO on a given date, and that the application is therefore entitled to a filing date of the date that the application, or parts thereof, were deposited in the USPTO. Petitioner, however, has not provided an itemized postcard showing that the drawings in question were deposited in the USPTO on May 27, 2008.

In summary, petitioner simply has no proof that the drawings were among the papers deposited in the USPTO on the requested filing date.

Nonetheless, it is however the 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).[3] A review of the record reveals that the application contains at least one method claim. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

---

[1] The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gaz. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

[2] MPEP 503.

[3] MPEP 601.01(f).

The petition is **GRANTED**. The petition fee of $400.00 is unnecessary and will be refunded in due course.

The "Notice of Incomplete Nonprovisional Application" mailed on June 19, 2008, was sent in error and is hereby **VACATED**.

The seventeen (17) sheets of drawings filed with the present petition will not be entered and will not be used during examination.

If petitioner wishes to have the drawings entered in the application, a preliminary amendment adding the drawings should be filed prior to the first Office action.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of May 27, 2008, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/22/2010

Applicant	: Shiow-Jeng Lew	: DECISION ON REQUEST FOR
Patent Number	: 7604698	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/153,917	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/153,960	05/28/2008	Toshiyuki Mafune	0229-1035PUS1	1341

2292 7590 06/25/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
06/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

June 24, 2010

In re application of	:	DECISION ON REQUEST TO
Toshiyuki Mafune et al	:	PARTICIPATE IN PATENT
Serial No. 12/153,960	:	PROSECUTION HIGHWAY
Filed: May 28, 2008	:	PROGRAM AND
For: PNEUMATIC TIRE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed April 16, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
   Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215-0035

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of

Hans L. G. Harmgardt, et al.
Application No. 12/154,000
Filed: May 28, 2008
Attorney Docket No. 29668.00

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 28, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 2821 action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Debra M. Parrish
Suite 200
615 Washington Rd.
Pittsburgh PA 15228

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of
Zhong, et al.
Application No.: 12/154,020
Filed: May 20, 2008
Attorney Docket No.: NANO-6 CIP

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed December 12, 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), applicant has failed to establish that the inventor has refused to sign the declaration or cannot be located.

The petition states that Gary Topolosky allegedly found the most current address listing for Qiping Zhong. However, Mr. Topolosky allegedly only attempted to make telephone contact with Mr. Zhong to obtain an email address for him to which additional information and a new declaration could be sent. Mr. Topolosky allegedly left his own email address on the voicemail messages. No response was received back by Ms. Parrish.

As the most current address listing of Mr. Zhong has been found, 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 petition does not establish that Mr. Zhong received a copy of the application and declaration.

Mr. Zhong must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. Zhong 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, petitioner will have satisfied this requirement.

Petitioner is informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail alone is not sufficient.

Petitioner is encouraged to utilize mail service when sending Mr. Zhong a copy of the application and a copy of the declaration for his execution.

In addition, the evidence provided in the petition, even if it ***were*** probative of Mr. Zhong's refusal to cooperate, is not acceptable for another reason: It is essentially hearsay. Attorney Parrish does not appear to have first hand knowledge of the efforts made to obtain Mr. Zhong's cooperation. It appears that Mr. Topolosky has first hand knowledge of the pertinent events.

The Office would like Ms. Topolosky's statement regarding his efforts to obtain Mr. Zhong's signature on the declaration.

As stated in MPEP 409.03(d): The 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.

Regarding fees, petitioner paid a four month extension of time when the present petition was filed. Petitioner is informed that a five month extension of time is required. (June 6, 2008 to August 6, 2008 response time plus five months to January 6, 2009 because the petition was filed on December 12, 2008.) Petitioners have paid $865.00 towards the $1,175.00 five month extension of time fee. Deposit account no. 50-1317 will be charged the $310.00 balance due. In addition, the same deposit account will be charged the $65.00 late declaration surcharge.

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
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Debra M. Parrish
Suite 200
615 Washington Rd.
Pittsburgh PA 15228

MAILED

JUN 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Zhong, et al.	:	ON PETITION
Application No.: 12/154,020	:	
Filed: May 20, 2008	:	
Attorney Docket No.: NANO-6 CIP	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed May 18, 2009.

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), applicant has failed to establish that the inventor has refused to sign the declaration or cannot be located.

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). Mr. Zhong has not received a copy of the application and declaration.

The Affidavit of Gary P. Topolosky, Esq. establishes that Mr. Zhong was mailed a copy of the application and declaration/power of attorney by certified mail, but the package was returned to

sender as unclaimed. Mr. Topolosky opines that Mr. Zhong has had ample time to review the materials, but has refused to accept delivery of the package. Someone had to be home in order to accept the package or, presumably, travel to the local post office to accept the package after delivery was attempted several times. However, it appears from a review of the envelope that the post office attempted delivery on 4/18 and then returned the package on 4/28. No entry was made for 1st notice. The evidence presented does not establish constructive refusal on Mr. Zhong's part. One attempted delivery and an unclaimed stamp is not sufficient to show refusal to accept the package.

During Mr. Topolosky's April 4, 2009 telephone conversation with Mr. Zhong did Mr. Zhong confirm his address? If so, please state that fact in any renewed petition. If not, please provide evidence that the address utilized by petitioner is the last known address for Mr. Zhong. Once it is established that petitioner is utilizing the last known address for Mr. Zhong, petitioner is encouraged to send Mr. Zhong another copy of the application and a copy of the declaration for his execution via certified mail, return receipt requested. The application and declaration should be accompanied by a cover letter of instructions which includes 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.

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.

As stated in MPEP 409.03(d): The 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. 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

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Suite 200
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SEP 21 2009

OFFICE OF PETITIONS

In re Application of
Zhong, et al.
Application No.: 12/154,020
Filed: May 20, 2008
Attorney Docket No.: NANO-6 CIP

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.47(a), filed August 17, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Qiping Zhong, 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 further pre-examination processing.

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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SEP 21 2009

OFFICE OF PETITIONS

QIPING ZHONG
1392 CABRILLO AVENUE
SAN JOSE CA 95132-2209

In re Application of
Zhong, et al.
Application No.: 12/154,020
Filed: May 20, 2008
Attorney Docket No.: NANO-6 CIP

LETTER

Dear Mr. Zhong:

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 Record: Debra M. Parrish
Suite 200
615 Washington Rd.
Pittsburgh PA 15228

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED

JUN 10 2009

OFFICE OF PETITIONS

In re Application of Stanley R. Frankel Application No. 12/154,087 Filed: May 20, 2008 Attorney Docket No. MRL-ONC-22100-US-CNT[3	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed June 10, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 11, 2008. The Notice of Abandonment was mailed February 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALAN P. BAKKE
3220 COUNTY VIEW CT SW
ROCHESTER, MN 55902

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Alan Paul BAKKE	:	
Application No. 12/154,106	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. TOWEL WARMER	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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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APR 27 2010

OFFICE OF PETITIONS

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

In re Application of	:	
Peter K. Herman	:	
Application No. 12/154,116	:	DECISION ON PETITION
Filed: May 20, 2008	:	
Attorney Docket No. FLTW-168	:	

This is a decision on the petition, filed November 19, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the non-final Office action mailed July 14, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 30, 2009.

Petitioner asserts that the Office action dated July 14, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements.

Review of the written record indicates that the address listed on the transmittal letter received May 20, 2008 is different from the address listed within the original oath/declaration. The new application transmittal form did indicate a correspondence address to be associated with customer number 54620; however the box labeled "The address associated with Customer Number" was not checked. The originally filed declaration indicated a correspondence address to be associated with customer number 30565 and the "Direct all correspondence to" box was checked. Therefore the Office correctly established applicant's correspondence address as the one associated with customer number 30565.

Accordingly, absent the required evidence to establish non-receipt of the Office action of July 14, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the

address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: KRIEG DEVAULT, LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

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United States Patent and Trademark Office
P.O. Box 1450
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KRIEG DEVAULT, LLP
ONE INDIANA SQUIARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of
Peter K. Herman
Application No. 12/154,116
Filed: May 20, 2008
Attorney Docket No. FLTW-168

DECISION ON PETITION

This is a decision on the renewed petition, filed May 13, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2010 to revive the above-identified application.

This application was held abandoned for failure to reply to the non-final Office action mailed July 14, 2008, which set a three month shortened statutory period for reply. A Notice of Abandonment was mailed on January 30, 2009.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

As to the petition under 37 CFR 1.181:

A review of the record indicated that the address listed on the transmittal letter received May 20, 2008 is different form the power of attorney and correspondence address listed in the original oath/declaration. The new application transmittal form did indicate a correspondence address to be associated with customer number 54620; however the box labeled "The address associated with Customer Number" was not checked. The originally filed oath/declaration indicated that power of attorney and correspondence address is associated with customer number 30565. Therefore the Office correctly established applicant's power of attorney and correspondence address as the one associated with customer number 30565.

Accordingly, the petition has been reconsidered and the outcome remains that the petition to withdraw the holding of abandonment cannot be approved at this time.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received May 21, 2010.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

EDWARD K WELCH II
IP&L SOLUTION
4558 ASHTON COURT
NAPLES FL 34112

In re Application of	:	
Crudden, et al.	:	
Application No. 12/154,131	:	DECISION ON PETITIONS
Filed: May 19, 2008	:	
Attorney Docket No. A-054 US	:	

This is a decision on the "Request for Removal of Non-Related Documents", filed November 12, 2008, which is being treated as a petition to expunge under 37 CFR 1.59(b).

The petition to expunge is **DISMISSED** as moot.

A review of the application file in the Image File Wrapper (IFW) reveals that the papers requested to be removed have already been closed by the Office.

The application is being forwarded to Group Art Unit 1616 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Werner Jacob	: DECISION ON REQUEST FOR
Patent Number	: 7637818	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/154,136	: 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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TOPE-MCKAY
& ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

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OFFICE OF PETITIONS

In re Application of
Thomas, et al.
Application No. 12/154,145
Filed: 19 May, 2008
Attorney Docket No. JPI343

DECISION ON PETITION

This is a decision on the petition filed on 10 November, 2008, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) 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 C.F.R. §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 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. And, in particular, Petitioner, *inter alia*, has not as of this writing satisfied the showing of transmittal to the non-signing inventors a copy of the entire application (description, claims, abstract, drawings)—e.g., there is no cshowing of any transmittal (with a copy of the transmittal letter) of the entire application (description, claims,

abstract, drawings)—and there is no evidence of a diligent search by which to ascertain the reasonably believed to be last known/valid/current address of the non-signing inventor. (*See, generally:* MPEP §409.03, and §409.03(a), et seq. Petitioners always are reminded that, as to proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings)—also, generally, 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, and §409.03(a) and (e): "a *bona fide* attempt.")

Further, Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

The matter of the materials transmitted to the non-signing inventor must be clarified on any renewed petition.

BACKGROUND

The record indicates:

The instant application was filed on 19 May, 2008, without, *inter alia*, a fully executed oath/declaration.

On 6 June, 2008, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 10 November, 2008, Petitioner Cary Tope-McKay (Reg. No. 41,350) filed a petition with, *inter alia*, an oath/declaration signed by Han Choi (for herself and on behalf of) but not the non-signing co-inventor Sara Thomas (Ms. Thomas)—the statement of Shirlene Love (Ms. Love) indicates only an unsuccessful attempt to contact by telephone. There was no evidence of transmittal/delivery of the entire application (description, claims, abstract, drawings and no demonstration of diligent effort to ascertain the validity of the address represented to be the reasonably believed to be last known/valid/current address(es) used.

Petitioner's showing then similarly must and does fail as to the requirement of proof that the non-signing inventors cannot be reached or refuses to sign the oath or declaration after having been presented with the entire application papers (specification: description, claims and drawings) as to all averred non-signing inventors.

Thus, Petitioner does not seemed to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See* MPEP §409.03, and §409.03(a), et seq. Petitioners always are reminded that, as to proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings): 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, and §409.03(a) and (e): "a *bona fide* attempt.")

Further, Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

As set forth above, any renewed petition **must** clarify these items.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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& ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

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MAR 16 2009
OFFICE OF PETITIONS

In re Application of
Thomas, et al.
Application No. 12/154,145
Filed: 19 May, 2008
Attorney Docket No. JPI343

DECISION ON PETITION

This is a decision on the petition filed on 30 January, 2009, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

BACKGROUND

The record indicates:

The instant application was filed on 19 May, 2008, without, *inter alia*, a fully executed oath/declaration.

On 6 June, 2008, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 10 November, 2008, Petitioner Cary Tope-McKay (Reg. No. 41,350) filed a petition with, *inter alia*, an oath/declaration signed by Han Choi (for herself and on behalf of) but not the non-signing co-inventor Sara Thomas (Ms. Thomas)—the statement of Shirlene Love (Ms. Love)

indicates only an unsuccessful attempt to contact by telephone. There was no evidence of transmittal/delivery of the entire application (description, claims, abstract, drawings and no demonstration of diligent effort to ascertain the validity of the address represented to be the reasonably believed to be last known/valid/current address(es) used. Petitioner's showing did not work through the requirements as discussed at MPEP §409.03, and §409.03(a), et seq.

(Further, Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.)

On 30 January, 2009, Petitioner filed the petition with an averment of the joinder of Ms. Thomas, and provided in support of that averment a copy of that oath/declaration in compliance with 37 C.F.R. §1.63—and so evidencing joinder.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot for joinder**.

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/154,146	05/19/2008	Gerhard Runkin	JPI246	7223

28848 7590 02/01/2010
TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU, CA 90265

EXAMINER

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB 01 2010

CST

In re application of
Gerhard Runkin et al
Serial No. 12/154,146
Filed: May 19, 2008
For: FROSTING DISPENSER APPARATUS

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed on November 23, 2009 to make the above-identified application special based on infringement.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web.

Furthermore, 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. Note, specifically, the NOTICE TO FILE MISSING PARTS mailed on June 6, 2008, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

Additionally, the petition to make special was not filed concurrently with the application as required by MPEP § 708.02(a).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

MAILED

JUN 29 2009

OFFICE OF PETITIONS

In re Application of
Robyn J. Farrington
Application No. 12/154,187
Filed: May 21, 2008
Attorney Docket No. 0342-2 CIP3

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 23, 2009 and supplemented on April 13, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Ernest D. Buff has been revoked by the applicant of the patent application on April 6, 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 571-272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

KENNETH WATOV, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTION, NJ 08550

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/154,187	05/21/2008	Robyn J. Farrington	0342-2 CIP3

CONFIRMATION NO. 8165

POWER OF ATTORNEY NOTICE

25901
ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER, NJ 07921

OC000000036661509

Date Mailed: 06/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUN 29 2009

OFFICE OF PETITIONS

KENNETH WATOV, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTION NJ 085550

In re Application of	:	
Robyn J. Farrington	:	
Application No. 12/154,187	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. 0342-2 CIP3	:	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 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request was signed by Kenneth Watov.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Robyn J. Farrington at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

ROBYN J. FARRINGTON
P.O. BOX 2
WESTFIELD NJ 07091

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/154,187	05/21/2008	Robyn J. Farrington	0342-2 CIP3

CONFIRMATION NO. 8165

POWER OF ATTORNEY NOTICE

Kenneth Watov, Esq.
Watov & Kipnes, P.C.
P.O. Box 247
Princeton Junction, NJ 08550

OC000000036711021

Date Mailed: 06/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kocreasy/

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

ROBERT DABNEY EASTHAM
315 ANNA MARIA DRIVE
ALTADENA CA 91001-4005

In re Application of	:	
Tricia Liu	:	
Application No. 12/154,211	:	DECISION ON PETITION
Filed: May 20, 2008	:	TO WITHDRAW
Attorney Docket No. **USP3968A-SYM**	:	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 30, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Robert Dabney Eastham on behalf of all attorneys of record who are associated with Customer No. 24377.

All attorneys/agents associated with the Customer No. 24377 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 Tricia Liu at the address list listed in the request.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Tricia Liu
P.O. Box 503
Alhambra, CA 91001

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LESTER H. BIRNBAUM
6 OAKMOUNT COURT
SIMPSONVILLE SC 29681

COPY MAILED

OCT 01 2008

OFFICE OF PETITIONS

In re Application of :
Batarseh, et al. :
Application No. 12/154,213 : DECISION
Filed/Deposited: 22 May, 2008 :
Attorney Docket No. PES-002

This is a decision on the petition filed on 10 July, 2008, requesting that the above-identified application be accorded a filing date of 21 May, 2008, rather than the presently accorded date of 22 May, 2008. The petition is properly treated as a petition under 37 C.F.R. §1.10(d).

The petition is **DISMISSED without prejudice**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on 21 May, 2008, pursuant to 37 C.F.R. §1.10. While the copy of the Express Mail Label Receipt No. EH 082 222 390 US bears a handwritten "date-in" of "5/22/08," it also includes a USPS receipt date stamp of "MAY 21 2008." Petitioner avers that the date of mailing shown in the "date-in" is an error of the U. S. Postal Service (USPS) and the correct date of mailing pursuant to 37 C.F.R. §1.10 is 21 May, 2008.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label. (See: MPEP §513.)

The Express Mail Label Receipt No. EH 082 222 390 US bears a handwritten "PO Zip Data" of "29607," as does the date-stamp, and the handwritten "Time Accepted" is "00:08 AM."

Petitioner's attention is directed to the provision of 37 C.F.R. §1.10(d), which provide:

***

> (d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the

Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

***

Petitioner has failed to satisfy Item (3), above.

Petitioner may review the history of credit card, checking or other payment mechanisms that may have been used to pay for the USPS service, as well as to the receipt "tape" received from the USPS clerk at the conclusion of the transaction, as well as Petitioner's USPS Express Mail Log. And Petitioner always should look to the USPS Track & Confirm database for the Express Mail Label Receipt t complete Petitioner's file documentation as to the matter.

Thus, the showing at this writing is insufficient under the Rule as set forth above. Moreover, Petitioner failed to pay or otherwise authorize the petition fee herein.

The petition is **dismissed**.

Petitioner is given two (2) to make the showing described hereinabove and to satisfy any fee requirements.

Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Application No. 12/154,213

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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2 2 JUL 2009

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:
Johannes Marinus Stephanus Van Ottele	: DECISION ON PETITION
Application No. 12/154,267	: UNDER 37 CFR 1.78(a)(3)
Filed: November 14, 2007	:
Attorney Docket No. 0470-081839	:

This is a decision on the "Petition Under 37 C.F.R. §1.78(a)" filed 19 March 2009 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the petition fee.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above.

The reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. 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 either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Applicant's request for a refund of the petition fee is **DISMISSED**. The record does not support applicant's contention that the entire delay in timely making the priority claim was caused by delays at the USPTO.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:
Johannes Marinus Stephanus Van Ottele	: DECISION ON PETITION
Application No. 12/154,267	: UNDER 37 CFR 1.78(a)(3)
Filed: November 14, 2007	:
Attorney Docket No. 0470-081839	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed 30 July 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment concurrently filed with the renewed petition.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those 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.

Applicant previously satisfied items (2) and (3).

The renewed petition complies with the requirements for a grantable petition under 37 CFR

1.78(a)(3) in that a proper reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii).

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 and 365 (c) to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that any Filing Receipt 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.

Applicant's renewed request for a refund of the petition fee is **DISMISSED**. The record does not support applicant's contention that the entire delay in timely making the priority claim was caused by delays at the USPTO.

Any inquiries concerning this decision may be directed to Derek Putonen at (571) 272-3294. 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 2423 for appropriate action on the amendment filed 30 July 2009, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365 (c) to the prior-filed international application.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Yuguang SHI et al.	:	
Application No. 12/154,296	:	DECISION ON PETITION
Filed: May 22, 2008	:	
Attorney Docket No. **PST-25902/36**	:	

This is a decision on the petition, filed June 12, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed September 18, 2008, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 05, 2009.

Petitioner asserts that the Office action dated September 18, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at 571-272-4231.

This application is being referred to the Office of Patent Application Processing for re-mailing the Office action of September 18, 2008. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Takashi Kuwahara	: DECISION ON REQUEST FOR
Patent Number	: 7614884	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/154,297	: 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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JUN 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Vanhouten et al.	:	
Application No. 12/154,299	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. 1891.01	:	

This is a decision on the petition, filed November 23, 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**.

This application was held abandoned for failure to timely and properly respond to the Notice of Allowance, mailed July 31, 2009, which set a three (3) month statutory period for reply. Accordingly, a reply was due on or before November 2, 2009. A Notice of Abandonment was mailed November 13, 2009.

On September 4, 2009, the USPTO received the Issue Fee Transmittal with payment of the $755.00 issue fee. The instant application was held abandoned for failure to timely submit payment of the $300.00 publication fee, also required by the Notice of Allowance. Petitioner states that the requirement of the publication fee is in error as the application had not yet published and was not due to be published until November 23, 2009.

As discussed in MPEP 1126,

> The publication fee set forth in 37 CFR 1.18(d) must be paid in each application published (or scheduled to be published) under 35 U.S.C. 122(b) before a patent will be granted on the application.
>
> **Applicant is required to pay the publication fee to avoid abandonment of the application even if the application has not yet been published at the time when the publication fee is due.** The Office will continue with the pre-grant publication process until a patent actually issues. This is because there are many instances in which the Office mails a notice of allowance in an application but the application does not issue as a patent in regular course. Therefore, the Office will not discontinue the pre-grant publication process until a patent has actually issued. Since the Office cannot discontinue the pre-grant publication process during the last two to four weeks of the publication process, this will result in a few applications being issued as patents and subsequently being published as patent application publications. The Office will refund the publication fee (if paid) if

the application is not published as a patent application publication, but will not refund the publication fee if the application is published as a patent application publication, even if it is published after the patent issues.

Accordingly, even though the application had not yet published and would possibly issue into a patent prior to the projected publishing date of November 23, 2009, the publication fee was due and was required in response to the Notice of Allowance. Failure to timely pay the fee resulted in the proper abandonment of the instant application.

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action, unless previously filed;

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window 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 the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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		Confirmation Number		Filing Date	2008-05-22
Attorney Docket Number (optional)	468/1	Art Unit		Examiner	
First Named Inventor	Finley, James Nelson				
Title of Invention	ARTIFICIAL FISHING LURE WITH MECHANICAL HOOK ASSEMBLY				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
James	Nelson	Finley	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature		Date (YYYY-MM-DD)	2008-05-22
Name	Jeffrey J. Schwartz	Registration Number	37532

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KENYON & KENYON LLP
1500 K STREET, NW
WASHINGTON, DC 20005-1257

Mail Date: 04/21/2010

Applicant	: John O'Dowd	: DECISION ON REQUEST FOR
Patent Number	: 7656330	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/154,330	: 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 **57** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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FREILICH, HORNBAKER & ROSEN
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10960 WILSHIRE BOULEVARD
LOS ANGELES, CA 90024

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JUL 10 2008

OFFICE OF PETITIONS

In re Application of	:	
VOVAN, Terry et al.	:	
Application No. 12/154,369	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **08/115**	:	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 copy of the inventor's driver's license as evidence that Leon D. Rosen is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Steve L. Ehnes
P.O. Box 1357
Lebanon MO 65536

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MAY 0 1 2009

OFFICE OF PETITIONS

In re Application of
Ehnes
Application No. 12/154,393
Filed: May 23, 2008
Attorney Docket No. Case No. 3
For: TIRE STEP APPARATUS

ON PETITION

This is a decision on petition under 37 CFR 1.137(a), filed March 26, 2009 (certificate of mailing date March 24, 2009), requesting revival of the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit replacement drawings in response to the Notice To File Corrected Application Papers (Notice), mailed June 10, 2008, which set an extendable two month period for reply. Accordingly, the above-identified application became abandoned on August 11, 2008. A Notice of Abandonment was mailed on February 17, 2009.

Petitioner alleges that he did not receive the June 10, 2008 Notice and therefore, the delay in responding to it was unavoidable.

A grantable petition to revive an abandoned application 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 § 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 this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

This petition does not satisfy requirement (3).

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only

where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Director 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 "unavoidable". 35 U.S.C. § 133. 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 or 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). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a 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).

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

A review of the record indicates no irregularity in the mailing of the June 10, 2008 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the June 10, 2008 Notice, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after June 10, 2008, to demonstrate non-receipt of the June 10, 2008 Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due

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[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

date for a response to the June 10, 1008 Notice, and where petitioner would have entered the receipt date of Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the June 10, 2008 Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after June 10, 2008; the period when he would have received the Notice.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the June 10, 2008 Notice. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner should consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a) if petitioner is unable to provide a persuasive showing of non-receipt of the June 10, 2008 Notice.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m), $810.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement

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Steve L. Ehnes
P.O. Box 1357
Lebanon MO 65536

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of
Ehnes
Application No. 12/154,393
Filed: May 23, 2008
Attorney Docket No. Case No. 3
For: TIRE STEP APPARATUS

ON PETITION

This is a decision on correspondence filed on May 21, 2009, which is being treated as a renewed petition under 37 CFR 1.137(a), requesting revival of the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Petitioner is urged to pay close attention to the boldface material on pages 2 and 3 of this decision. The boldface material on pages 2 and 3 of this decision provides instruction as to what information is required to prevail under an unavoidable delay standard.

Any reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit replacement drawings in response to the Notice To File Corrected Application Papers (Notice), mailed June 10, 2008, which set an extendable two month period for reply. Accordingly, the above-identified application became abandoned on August 11, 2008. A Notice of Abandonment was mailed on February 17, 2009.

Petitioner alleges that he did not receive the June 10, 2008 Notice and therefore, the delay in responding to it was unavoidable.

A grantable petition to revive an abandoned application 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 § 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 this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

This petition does not satisfy requirement (3).

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Director 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 "unavoidable". 35 U.S.C. § 133. 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 or 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). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a 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 record indicates no irregularity in the mailing of the June 10, 2008 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. **Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the June 10, 2008 Notice, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after June 10, 2008, to demonstrate non-receipt of the June 10, 2008 Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to the June 10, 1008 Notice, and where petitioner would have entered the receipt date of Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the**

Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the June 10, 2008 Notice was not found. Lastly, petitioner must state that he was, in fact, using the post office box identified above for a reasonable time after June 10, 2008; the period when he would have received the Notice.

In the present renewed petition, petitioner did not submit any documentary evidence or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the June 10, 2008 Notice. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner should consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.137(a) if petitioner is unable to provide a persuasive showing of non-receipt of the June 10, 2008 Notice.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m), $810.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to 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

HUSCH BLACKWELL SANDERS LLP
4801 Main Street
Suite 1000
KANSAS CITY MO 64112

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of
Ehnes
Application No. 12/154,393
Filed: May 23, 2008
Attorney Docket No. Case No. 3
For: TIRE STEP APPARATUS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2009, requesting revival of the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely submit replacement drawings in response to the Notice To File Corrected Application Papers (Notice), mailed June 10, 2008, which set an extendable two month period for reply. Accordingly, the above-identified application became abandoned on August 11, 2008. A Notice of Abandonment was mailed on February 17, 2009.

Applicant has submitted a proper reply to the June 10, 2008 Notice in the form of replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the June 10, 2008 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

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 decision 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 21 2009

OFFICE OF PETITIONS

BECK AND TYSVER P.L.L.C.
2900 THOMAS AVENUE SOUTH
SUITE 100
MINNEAPOLIS, MN 55416

In re Application of	:	
Seward et al.	:	
Application No. 12/154,412	:	Decision Refusing to Accord
Filed: May 22, 2008	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. 3768	:	
For: Knowledgebased Image Informatics	:	
System and Method	:	

This is a decision on the petition under 37 CFR 1.47(a) filed January 15, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or declaration executed by the available joint inventor(s),
(3) the fee of $200 as specified in 37 CFR 1.17(g), and
(4) the last known address of the non-signing inventor(s).

The instant petition fails to satisfy items (1) and (2) above.

Charles Shreffler's statement indicates he sent an email to the non-signing inventor Hansen on December 8, 2008, requesting Hansen sign the declaration. A copy of the email has not been provided. A copy of the email should be submitted with any request for reconsideration.

Shreffler fails to identify any attachments to the email sent to Hansen. In other words, the record fails to indicate Hansen was sent a copy of the application. Office policy requires a copy of an application be presented to an inventor in order to establish refusal to sign a declaration. A

petitioner must establish the inventor was able to sign the declaration but refused to sign the declaration. An inventor is unable to sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. Since the petition fails to establish the non-signing inventor was presented with a copy of the application papers, the petition cannot be granted.

Petitioner should mail a copy of the application to the inventor along with instructions setting a deadline for the return of a signed declaration. The letter to the inventor should state that, if petitioner receives no reply from the inventor, petitioner will interpret the lack of reply as a refusal to sign the declaration. This sort of ultimatum lends support to a finding of refusal by conduct when a response is not received from an inventor. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

Shreffler indicates he spoke with inventor James Seward on January 7, 2009, and Seward indicated he had recently spoken with Hansen concerning the requests Shreffler had made for Hansen to sign a declaration. A statement from Seward, who has first-hand knowledge of his conversation with Hansen, should be provided. Scheffler indicates he asked Seward to determine if Hansen was willing to, or refusing to, sign the declaration. Scheffler fails to indicate whether or not Seward spoke with Hansen and whether or not Hansen indicated he was refusing to sign the declaration. If Hansen has orally refused to sign the declaration since Shreffler's January 7, 2009 communication with Seward, then 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.

As to item (2), the declaration signed by three of the four inventors is improper.

The signed declaration does not include mailing addresses for the inventors or identify the city of the residential address for inventor Hansen. Petitioner has submitted a new and unsigned copy of the declaration containing the addresses for each inventor.

In order to comply with 37 CFR 1.63, a declaration must be signed and, unless supplied in an application data sheet, must identify the mailing address for each inventor and the residential address for any inventor who lives at a location which is different than where the inventor customarily receives mail. The signed declaration does not include the required address information. Therefore, a signed supplement declaration should be filed <u>or</u> an application data sheet that includes the address information should be filed. Petitioner should note any ADS filed should be labelled as a Supplemental Application Data Sheet even though a prior ADS has not been filed. As stated in MPEP 601.05, "If no ADS was originally filed, but applicant wants to submit an ADS to correct ... application data, the ADS, even though it is the first-filed ADS, must be titled 'Supplemental Application Data Sheet.'"

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BECK AND TYSVER P.L.L.C.
2900 THOMAS AVENUE SOUTH
SUITE 100
MINNEAPOLIS, MN 55416

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of Seward et al. Application No. 12/154,412 Filed: May 22, 2008 Attorney Docket No. 3768	: : : : :	Decision Refusing to Accord Status Under 37 CFR 1.47(a) and Refusing to Delete Inventor of Record

This is a decision on the "Request to Correct Inventorship Under 37 CFR 1.48(a)" and the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" filed November 23, 2009.

The request under 37 CFR 1.48(a) is **dismissed**.

The petition under 37 CFR 1.47(a) is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. **Failure to respond will result in abandonment of the application.**

Background

A declaration listing four inventors was filed January 15, 2009. The declaration was signed by three of the listed inventors. The declaration was not signed by William Hansen. The declaration was accompanied by a petition under 37 CFR 1.47(a) requesting the declaration be accepted without the signature of William Hansen. A decision dismissing the petition was mailed April 21, 2009.

The instant papers assert Mr. Hansen was incorrectly included as an inventor and seek to delete Mr. Hansen as an inventor of record.

The Request Under 37 CFR 1.48(a)

37 CFR 1.48(a) states,

> Nonprovisional application after oath /declaration filed. If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and

such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;
(2) 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;
(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
(4) The processing fee set forth in § 1.17(i); and
(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has failed to satisfy requirement (3) listed above. Specifically, petitioner has not supplied a supplemental declaration signed by the actual inventors that only lists the actual inventors. Therefore, the request under 37 CFR 1.48(a) cannot be granted.

Any request for reconsideration under 37 CFR 1.48(a) should include a declaration signed by the actual inventors that only lists the actual inventors.

The Petition Under 37 CFR 1.47(a)

If the request under 37 CFR 1.48(a) were being granted, the petition under 37 CFR 1.47(a) would be dismissed as moot. However, the request under 37 CFR 1.48(a) is being dismissed. As a result, the declaration continues to list four inventors of record while only containing the signatures of three of the inventors.

In view of petitioner's assertion Hansen is not an actual inventor, any request for reconsideration under 37 CFR 1.47(a) should include a grantable request under 37 CFR 1.48(a).

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of
Joey Camia Reglos et al.
Application No. 12/154,540
Filed: May 23, 2008
Attorney Docket No. **VFX012001900**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 7, 2010.

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 68823 has been revoked by the applicants of the patent application on January 15, 2010. 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 the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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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MAY 01 2009

OFFICE OF PETITIONS

JOHN M.HARRISON
2139 E. BERT KOUNS
SHREVEPORT LA 71105

In re Application of	:	
Kevin Kobett	:	
Application No. 12/154,543	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. 9369	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely to the Notice mailed June 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The drawings submitted with the petition on March 30, 2009, are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy
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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JUN 2 4 2009

OFFICE OF PETITIONS

JOHN M. HARRISON
2139 E. BERT KOUNS
SHREVEPORT LA 71105

In re Application of	:	
Kevin Kobett	:	
Application No. 12/154,543	:	DECISION ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. 9369	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed June 16, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masahiro Katakura	: DECISION ON REQUEST FOR
Patent Number	: 7593167	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/154,546	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VLADIMIR TRAKHTMAN
175 ELDRIDGE ST. #4F
NEW YORK NY 10002

MAILED

MAY 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Vladimir Trakhtman	:	
Application No. 12/154,553	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor Vladimir Trakhtman attesting to his age. 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 3693 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

COPY MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Tom Engala	:	
Application No. 12/154,555	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. EJ04/01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant's driver's license proving that she 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 2841 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 10 2010

OFFICE OF PETITIONS

MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

In re Application of	:	
Tom Engala	:	
Application No. 12/154,555	:	DECISION ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. EJ04/01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 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 January 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 26, 2009. Accordingly, the date of abandonment of this application is January 27, 2009. A Notice of Abandonment was mailed on February 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is 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 Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

MAILED

APR 26 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Min Hon Rei et al :
Application No. 12/154,563 :
Filed: May 23, 2008 :
Attorney Docket No. 3819.120US02

This is a decision on the petition, filed April 23, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND OR 97204

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of
Waldemar Herman, et al.
Application No.: 12/154,617
Filed: May 22, 2008
Attorney Docket No.: BBH 301

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed January 15, 2009.

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. Hermann Sauer 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 Declaration of Dr. Oliver Sticht does not establish that a complete copy of the application was presented to Mr. Sauer. Paragraph (F). of the declaration states that on August 29,2 008 Dr. Sticht sent a letter to Mr. Sauer that included a formal assignment and a declaration that

referred to the present application. It appears that Mr. Sauer was never presented with a copy of the application as filed.

Mr. Sauer 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. Sauer 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.

Pursuant to petitioners' authorization, deposit account no. 11-1540 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
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

KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND OR 97204

MAILED

JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION NOTING JOINDER OF
Waldemar Herman, et al.	:	PREVIOUSLY NON-SIGNING
Application No.: 12/154,617	:	INVENTOR & DISMISSING
Filed: May 22, 2008	:	PETITION UNDER 37 CFR 1.47(A)
Attorney Docket No.: BBH 301	:	AS MOOT

This is a decision on the renewed petition under 37 CFR 1.47(a), filed April 3, 2009. Papers filed on April 3, 2009 in reply to a decision refusing status under 37 CFR 1.47(a), mailed on February 17, 2009, included a declaration signed by the previously non-signing inventor, Hermann Sauer, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be forwarded to Technology Center G.A.U. 3656 for examination in due course.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAM ROSEN, ESQ., HODES, PESSIN & KATZ, P.A.
DEPARTMENT OF INTELLECTUAL PROPERTY
901 DULANEY VALLEY ROAD, SUITE 400
TOWSON, MD 21204

COPY MAILED

JUL 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Hopfer, Asher	:	
Application No. 12/154,633	:	ON PETITION
Filed: May 23, 2008	:	
Attorney Docket No. 026257.001	:	

This is a decision on the petition under 37 CFR 1.10(d), filed June 19, 2008, requesting that the above-identified application be accorded a filing date of May 21, 2008, rather than the presently accorded date of May 23, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of May 23, 2008.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on May 21, 2008, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by: a copy of the Cover letter, a copy of the Express Mail label, a Declaration of Carolyn Bates and a Declaration of Jerry Allen.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3). The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

The cover letter bearing the Certificate of Mail date of May 20, 2008 cannot be considered evidence as it was created *prior* to the deposit of the correspondence as "Express Mail." Also, the declarations also cannot be considered evidence as they were both created more than one day *after* deposit. Further, an independent search was made by the Office of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question (No. EB755347160US) was in fact considered "Missent" as of May 22, 2008 and was not accepted until May 23, 2008 at 8:00 p.m. at the Memphis, TN USPS.

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See* Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sam Rosen, Esq.
Hodes, Pessin & Kratz, P.A.
Department of Intellectual Property
Suite 400
901 Dulaney Valley Road
Towson, MD 21204

COPY MAILED

NOV 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Asher Hopfer	:	
Application No. 12/154,633	:	DECISION ON PETITION
Filed: May 23, 2008	:	TO WITHDRAW
Attorney Docket No. 026527.001	:	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 September 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Sam Rosen on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Asher Hopfer
3802 Menlo Drive
Baltimore, MD 21215

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/154,633	05/23/2008	Asher Hopfer	026257.001

CONFIRMATION NO. 9764

POWER OF ATTORNEY NOTICE

OC000000032907508

Sam Rosen, Esq., HODES, PESSIN & KATZ, P.A.
Department of Intellectual Property
Suite 400
901 Dulaney Valley Road
Towson, MD 21204

Date Mailed: 10/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/29/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 16, 2010 CST

In re application of Jun-Han Kang et al Serial No. 12/154,656 Filed: May 23, 2008 For: CATALYST FOR HYDROCARBON STEAM CRACKING, METHOD OF PREPARING THE SAME AND METHOD OF PREPARING OLEFIN BY USING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 14, 2009.

The request and petition are **DISMISSED** as moot. Specifically, a restriction requirement was mailed in this application on February 8, 2010.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a restriction requirement was mailed on February 8, 2010.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mitchell R. Swartz, ScD, EE, MD
16 Pembroke Road
Weston MA 02493

MAILED

MAR 24 2010

OFFICE OF PETITIONS

Applicant: Swartz	:
Application No. 12/154,712	:
Filed: May 28, 2008	: Decision on
For: Machine For Producing Flow of	: Petition
Isotopic Fuel Through a Material	:
Pub. No.: US 2009/0116604 A1	:
Pub. Date: May 7, 2009	:

This is a decision in response to the petition entitled "Petition to The Commissioner Pursuant to 37 CFR 1.181", received on September 23, 2008.

The petition is dismissed.

Petitioner asserts that he filed a non-publication request at the time of filing the application but that the U.S. Patent & Trademark Office is improperly stating that he did not file a non-publication request. Petitioner requests that the Office delete the Notice mailed September 16, 2008, which states that the nonpublication filed on August 27, 2008 cannot be accepted because it was not filed with the application, as it is inconsistent with the Office record as evidenced by the Notice mailed on July 10, 2008, which state that the nonpublication request filed on May 28, 2008 is acknowledged but it is not recognized because it does not contain the proper certification.

On May 28, 2008, the above identified application was filed in the Office with a paper titled "Request Against Publication" including the statement "[i]f an option, since this is a continuation-in-part of an application from 1989, the inventor herby requests that publication be not made at this time".

On July 10, 2008, the Office mailed a Notice stating that the nonpublication request received on May 28, 2008 has not been recognized because it does not contain the proper certification as required by 37 CFR 1.213(a)(3).

On August 27, 2008, the Office received a PTO Nonpublication Request form which had been modified by Petitioner.

On September 16, 2008, the Office mailed a Notice which stated that the nonpublication filed on August 27, 2008 cannot be accepted because it was not filed with the application,

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification.

To avoid pre-grant publication of a patent application, applicant must certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. See 35 U.S.C. 122(b)(2)(B)(I), 37 CFR 1.213 and MPEP 1122. The request for nonpublication must be submitted with the application **upon filing** (this is a statutory requirement and cannot be waived).

The "Request Against Publication" received on May 28, 2008 did not include the proper certification. The "Nonpublication Request" form which included the proper certification received on August 27, 2008 was not timely filed as it was not submitted on filing. Petitioner did not file the application with a nonpublication request in compliance with the statute and the application published on May 7, 2009, as US 2009/0116604 A1.

The Office has no statutory authority to withdraw a properly published patent application publication or to accept a nonpublication request that is not in compliance with 35 U.S.C. 122(b) and 37 CFR 1.213.

Petitioner did not file the application with a compliant nonpublication request and the application is not subject to a secrecy order, so therefore the application was properly published in accordance with established procedure. The Office is without authority to grant Petitioner's request.

Inquiries regarding this communication should be directed 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

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.
12/154,749	05/27/2008	Nobuya Shinozaki	08341/LH	9778

7590 05/27/2010
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
REESE, DAVID C

ART UNIT	PAPER NUMBER
3677	

MAIL DATE	DELIVERY MODE
05/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Refs
05/28/2010 [illegible]

Credit Card Refund Total: $510.00

KT Expo: [illegible]

Adjustment date: 05/28/2010 MFARMER
05/26/2008 NHGUYEN 00000054 12154749
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Naofal Al-Dhahir :
Application No. 12/154,795 :
Filed: May 27, 2008 :
Attorney Docket No. Al-Dhahir 2001-0207con2 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 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 non-final Office action mailed September 11, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 12, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2611 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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		Confirmation Number		Filing Date	
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Praveen Chaudhari				
Title of Invention	Method of growing heteroepitaxial single crystal or large grained semiconductor films and devices thereon				

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
Praveen		Chaudhari	

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	Praveen Chaudhari	Date (YYYY-MM-DD)	2008-05-21
Name	Praveen Chaudhari		

UNITED STATES 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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APR 30 2009

OFFICE OF PETITIONS

MEYER UNKOVIC & SCOTT LLP
1300 OLIVER BUILDING
PITTSBURGH, PA 15222

In re Application of	:	
Hany Zarif Gerges	:	
Application No. 12/154,806	:	DECISION ON PETITION
Filed: May 27, 2008	:	TO WITHDRAW
Attorney Docket No. Gerges	:	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 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 Debra Z. Anderson on behalf of all attorneys of record who are associated with customer No. 42161. All attorneys/agents associated with the Customer Number 42161 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HANY ZARIF GERGES
247 JASMINE WAY
DANVILLE, CA 94605

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/154,806	05/27/2008	Hany Zarif Gerges	Gerges

CONFIRMATION NO. 9595

POWER OF ATTORNEY NOTICE

42161
MEYER UNKOVIC & SCOTT LLP
1300 OLIVER BUILDING
PITTSBURGH, PA 15222

OC000000035674225

Date Mailed: 04/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2009.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/154,891	05/28/2008	R. Giovanni Fima	101775.0001US1	1812

24392 7590 06/29/2010
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

EXAMINER
LE, HUYEN D

ART UNIT	PAPER NUMBER
3751	

NOTIFICATION DATE	DELIVERY MODE
06/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rfish@fishiplaw.com
patents@fishiplaw.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

FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine CA 92614-6232

In re Application of	:	
GIMA, R. GIOVANNI	:	DECISION ON PETITION
Application No. 12/154891	:	TO MAKE SPECIAL UNDER
Filed: May 28, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 101775.0001US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1, 4 and 8.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, the applicant stated that claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic-life-sustaining natural elements. The applicant fails to explain how and why the claimed invention will enhance the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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. The application is being forwarded to the Technology Center Art Unit 3751 for action in its regular turn. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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P.O. Box 1450
Alexandria, VA 22313-1450
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Law Offices of Kenneth W. Float
2095 Hwy 211 NW, #2F
Braselton GA 30517

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In re Application of	:
Chen et al.	:
Application No. 12/154912	: DECISION ON PETITION
Filing or 371(c) Date: 05/28/2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 4202	:

This is a decision on the petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(e), filed with the present application on May 28, 2008, to claim the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED AS MOOT**.

The petition is not accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional application. While a reference to the prior-filed provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the oath or declaration filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(6)[1] In the present case, the Office noted the claim for priority to the prior-filed provisional applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, no petition fee has been charged and none is due.

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[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

Applicant should file an amendment to the first sentence of the specification following the title, or ADS as required by the rules prior to the first Office action on the merits of the application.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Office of Patent Application Processing to await Applicant's response to the Notice to File Missing Parts of Nonprovisional Application, mailed June 18, 2008, and for continued processing in the normal course of business.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

THOMAS KAYDEN HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E., STE 1500
ATLANTA, GA 30339-5994

In re Application of :
Yanfeng Chen et al :
Application No. 12/154,912 :
Filed: May 28, 2008 :
Attorney Docket No. 062012-1810 (GT No. 4202) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts Of Nonprovisional Application (Notice) mailed June 18, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Two-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 19, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

GIBBONS P.C.
ONE GATEWAY CENTER
NEWARK NJ 07102

In re Application of
Thomas, et al.
Application No. 12/154,931
Filed: May 28, 2008
Attorney Docket No. **39306.00200**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102 filed February 25, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

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William C. Norvell, Jr.
BEIRNE, MAYNARD, & PARSONS, L.L.P
Suite 2500
1300 Post Oak Boulevard
Houston, TX 77056-3000

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OFFICE OF PETITIONS

In re Application of	:	
Paula McDermott Kiker	:	
Application No. 12/154,945	:	DECISION ON PETITION
Filed: May 28, 2008	:	TO WITHDRAW
Attorney Docket No. 004566/070861	:	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 18, 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 William C. Norvell, Jr. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Paula McDermott Kiker**
c/o TAO Greek
P.O. Box 1877
Winnie, TX 77665

cc: **Mr. Hoke Peacock**
Orgain Bell & Tucker
470 Orleans Street
Beaumont, TX 77704

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/154,945	05/28/2008	Paula McDermott Kiker	004566/070861

CONFIRMATION NO. 1707

POWER OF ATTORNEY NOTICE

William C. Norvell, Jr.
BEIRNE, MAYNARD & PARSONS, L.L.P
Suite 2500
1300 Post Oak Boulevard
Houston, TX 77056-3000

OC000000035024285

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

BO-IN LIN
13445 MANDOLI DRIVE
LOS ALTOS HILLS, CA 94022

In re Application of Anup Bhalla, et al. Application No. 12/154,948 Filed: May 27, 2008 Attorney Docket No.: AOS-0403DD	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 29, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 18, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 18, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 19, 2010. A Notice of Abandonment was mailed on March 5, 2010. On March 29, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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HENRY LAW FIRM
P.O. BOX 1105
FAYETTEVILLE AR 72702

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SEP 11 2008

In re Application of	:
Bogard and Ashcraft	: DECISION ACCORDING STATUS
Application Number: 12/154979	: UNDER 37 CFR 1.47(a)
Filing Date: 05/29/2008	:
Attorney Docket Number: 5023	:

This is in response to the petition under 37 CFR 1.47(a) filed on July 28, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, David Ashcraft, Sr. has refused to join in the filing of the above-identified application after having been sent a copy of the application papers, including the declaration naming him as a joint inventor along with Jeff Bogard. Specifically petitioners have, shown, via the declaration of Rodney Herndon, that a copy of the application was sent via certified mail to the non-signing inventor's last known address. The non-signing inventor failed, however, to sign and return the declaration.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being 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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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DIW Sep-08

David Ashcraft, Sr.
211 Pine Ridge Lane
Bismarck AR 71929

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SEP 11 2008

In re Application of
Bogard et al.
Application No. 12/154,979
Filed: May 29, 2008
For: PONTOON WITH INTEGRATED LIFTING STRAKE AND METHOD FOR MAKING THE SAME

Dear Mr. Ashcraft:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

HENRY LAW FIRM
PO BOX 1105
FAYETTEVILLE AR 72702

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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA SC 29201

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OFFICE OF PETITIONS

In re Application of	:	
Williams et al.	:	
Application No. 12/154995	:	
Filing or 371(c) Date: 05/29/2008	:	
Attorney Docket Number:	:	DECISION
26401/10230	:	ON PETITION

This is a decision in response to the "Petition to Accord a Filing Date Under 37 C.F.R. § 1.178," filed August 4, 2008. The submission is properly treated as a petition under 37 CFR 1.57(a), to accord a filing date based upon an incorporation by reference of drawings by virtue of a priority or benefit claim.

The petition is granted to the extent indicated below.

Background

The application was filed on May 29, 2008. On June 16, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and request inclusion of the inadvertently omitted drawings, based upon a priority claim to a prior-filed application in accordance with 37 CFR 1.57(a).

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained composition and method claims. The MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition claims.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The present 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. Entry of an amendment filed with the present petition on August 4, 2008, will be determined by the examiner.

To the extent the present petition requests a filing date of May 29, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee is due. The petition fee has been refunded to Applicant's deposit account as authorized in the present petition.

Pursuant to this decision, the application will be referred to OPAP for:

X **correction of the filing date to May 29, 2008**;
X **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
X **for issuance of a filing receipt.**

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201

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OFFICE OF PETITIONS

In re Application of	:	
Dale Williams, et al.	:	
Application No. 12/154,995	:	DECISION ON PETITION
Filed: May 29, 2008	:	TO WITHDRAW
Attorney Docket No. 26401/10230	:	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 10, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Nelson Mullins Riley & Scarborough, LLP has been revoked by the assignee of the patent application on September 10, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JELD-WEN, Inc.**
Stoel Rives LLP
900 SW Fifth Avenue
Suite 2600
Portland, OR 97204

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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.
12/155,012	05/29/2008	Naohiro Suzuki	01-1716	1901

7590 03/11/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
LI, MEIYA

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
03/11/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Harris

Patent Publication Branch
Office of Data Management

[illegible]
[illegible] $510.00 [illegible]

Adjustment date: [illegible]
[illegible] CHARGED: [illegible]
02 FC:1111 -510.00 CR

FORM PET651G (Rev. 08/07)

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Edwards Angell Palmer & Dodge LLP
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Boston MA 02205

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SEP 26 2008

OFFICE OF PETITIONS

In re Application of
MIYOSHI et al.
Application No. 12/155,041
Filed: May 29, 2008
Attorney Docket No. 81931(302767)

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.57(a), filed August 19, 2008, requesting that the above-referenced application be accorded a filing date of May 29, 2008. This petition is being treated pursuant to 37 CFR 1.53(e)(2).[1]

The application papers in the above-identified application were deposited on May 29, 2008. However, on June 19, 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. Additionally the Notice stated that an oath or declaration was missing.

In response, applicants timely filed this petition. Applicants assert that drawings are not necessary for according the instant application a filing date. Further, applicants request that the application include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55.

Applicants' arguments and evidence have been considered. 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

[1] Any request for review of a notification pursuant to § 1.53(e)(1), 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 § 1.53(e) accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition, the filing date of an application in which the applicants were notified of a filing error pursuant to § 1.53(e)(1) will be the date the filing error is corrected.

Office should have granted the application a filing date and mailed a Notice of Omitted Items of Nonprovisional Application 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 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 any amendment requesting entry of the inadvertently omitted drawing(s) must comply with 37 CFR 1.57(a) and 37 CFR 1.121 and will be considered by the examiner. See MPEP § 201.17.

The petition is **GRANTED** to the extent the instant application will be accorded a filing date of May 29, 2008, with no drawings as part of the original disclosure. Given the basis for granting this petition, the $400.00 petition fee is being refunded to the deposit account.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to May 29, 2008;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;**
- **for issuance of a filing receipt.**

Applicants may request entry of the omitted figures by filing an amendment, accompanied by a copy of the inadvertently omitted figures, with the examiner prior to the first Office action on the merits.[2] The determination of new matter will be made by the examiner.

Telephone inquiries concerning this matter may be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Anthony Knight
Supervisor
Office of Petitions

[2] Upon reviewing the papers submitted with the petition, it does not appear that applicants provided the Office with a copy of the inadvertently omitted figures or any amendment requesting entry of those figures.

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AUG 14 2008

OFFICE OF PETITIONS

Edwards Angell Palmer & Dodge, LLP
P. O. Box 55874
Boston, MA 02205

In re Application of	:	
Harry A. Beale	:	
Application No. 12/155,043	:	DECISION ON PETITION
Filed: May 29, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 80523CIP2(302945)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 18, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a photocopy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2872 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,100	05/29/2008	Yoshiki Tada	12-114	1717

7590 09/25/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
09/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refin. Ref: 09/25/2009 NFARMER 0015110000
DA#:531147 Name/Number:12155100
FC: 9224 $510.00 CR

Adjustment date: 09/25/2009 NFARMER
08/13/2008 MAHMED1 00000030 12155100
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE NW
WASHINGTON DC 20005

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SEP 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Jung, et al.	:	
Application No. 12/155,134	:	DECISION ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. 1901.1300	:	

This is a decision on the petition under 37 CFR 1.57, filed August 4, 2008, requesting that the above-identified application be accorded a filing date of May 29, 2008, with Figures 1 - 4 as part of the original disclosure.

The petition under 37 CFR 1.57 is **DISMISSED** as inappropriate.

The instant application was filed on May 29, 2008. On July 28, 2008, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application". The Notice stated that the application had been accorded a filing date; however, Figures 1 -4 of the drawings appeared to have been omitted. The Notice set a two month non-extendable period for reply for applicants to: (1) contend the figure was present on filing, pay a $400 petition fee, and petition for that filing date, or (2) supply the missing figure, pay a $400 petition fee, and petition to accept the date of its deposit as the filing date of the application. Alternatively, applicants could accept the application as deposited in the USPTO but add the missing subject matter by relying on an incorporation by reference pursuant to 37 CFR 1.57.

In response, applicants paid a $400 petition fee and filed the present petition on August 4, 2008.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> If a continuation or divisional application as originally filed on or after September 21, 2004 does not include an explicit incorporation by reference statement and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), applicant may be permitted to add the omitted material by way of an amendment under 37 CFR 1.57(a).[1]

Please note 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.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of May 29, 2008, using the application papers received in the Office on that date. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

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[1] MPEP 201.06(c).

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APR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Jung, et al.	:	
Application No. 12/155,134	:	DECISION ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. 1901.1300	:	

This is a decision on the petition under 37 CFR 1.53, filed January 8, 2009, requesting that the above-identified application be accorded a filing date of May 29, 2008, with Figures 1 - 4 as part of the original disclosure.

The petition under 37 CFR 1.53 is **GRANTED**.

The instant application was filed on May 29, 2008. On July 28, 2008, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application". The Notice stated that the application had been accorded a filing date; however, Figures 1 - 4 of the drawings appeared to have been omitted. Applicant filed a petition under 1.57 on August 4, 2008, which was dismissed in a decision mailed on September 2, 2008.

Applicant has filed the present petition under 37 CFR 1.53, asserting that Figures 1 - 4 of the drawings were included with the application as filed. In support thereof, applicant included a postcard receipt identifying the application, itemizing "Drawings (pages 1-11; Figs. 1-4, 5A-5C, 6, 7A-7B, 8A=8D, 9, 10A-10D" as enclosed, and bearing a USPTO date stamp of May 29, 2008.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Given the basis for granting this petition, the $400 petition fee paid August 4, 2008 will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of May 29, 2008, using the application papers received in the Office on that date, including Figures 1 - 4 filed with the instant petition on January 9, 2009.

Telephone inquiries specific to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 503.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 04/23/09

2 Serial/Patent # 12/155,134

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition		08/04/08	$ 400.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other Surcharge			$

7 TOTAL AMOUNT OF REFUND $ 400.00

8 TO BE REFUNDED BY:

X	Treasury Check
	Credit Deposit A/C #:

9 [ ][ ] -- [ ][ ][ ][ ]

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

filing date petition granted

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Cliff Congo TITLE: Attorney

SIGNATURE: Cliff Congo PHONE: 571-272-3207

OFFICE: Petitions

****

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(01/90)

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CST

OCT 2 2008

In re application of Masafumi Hamasaki et al Serial No. 12/155,170 Filed: May 30, 2008 For: ALUMINUM DIE CAST PRODUCT AND METHOD FOR MANUFACTURING SAME	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 14, 2008.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and

b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail because:

(2) Applicant has not submitted a statement that the English translation of the allowable/patentable claims from the JPO application is accurate; and

(7) The required petition fee under 37 CFR 1.17(h) has not been submitted.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

DEC 3 2008

In re application of	:	DECISION ON REQUEST TO
Masafumi Hamasaki et al	:	PARTICIPATE IN PATENT
Serial No. 12/155,170	:	PROSECUTION HIGHWAY
Filed: May 30, 2008	:	PROGRAM AND
For: ALUMINUM DIE CAST PRODUCT	:	PETITION TO MAKE SPECIAL
AND METHOD FOR	:	UNDER 37 CFR 1.102(d)
MANUFACTURING SAME	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed October 22, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 41200
SOUTH STATION
ARLINGTON VA 22204

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JAN 27 2010

In re Application of	:	
Rich, Joseph Jr.	:	
Application No. 12/155,201	:	ON PETITION
Filed: May 30, 2008	:	
Attorney Docket No. 30444.00	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant, Joseph Rich. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. 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 3754 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

AUG 25 2009

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of	:	DECISION ON REQUEST TO
Atsuko Utsumi	:	PARTICIPATE IN PATENT
Application No. 12/155,203	:	PROSECUTION HIGHWAY
Filed: May 30, 2008	:	PROGRAM AND PETITION
For: HYBRID VEHICLE AND CONTROL	:	TO MAKE SPECIAL UNDER
METHOD OF THE SAME	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 18, 2009, to make the above-identified application special.

The request and petition are **DISMSSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail to include:

(3) all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

The claims of the US application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, there are no claims in the JPO application which correspond to U.S. application claims 6-9. The JPO application does not contain any method claims.

The PPH program guidelines require that all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Since there is no JPO claim that corresponds to U.S. method claims 6-9, the PPH petition fails meet the guidelines of the PPH program.

Applicant is given a single opportunity to perfect the request and petition. Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at 571-272-7045.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 08/24/09

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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WASHINGTON, DC 20231
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of	:	DECISION ON REQUEST TO
Atsuko Utsumi	:	PARTICIPATE IN PATENT
Application No. 12/155,203	:	PROSECUTION HIGHWAY
Filed: May 30, 2008	:	PROGRAM AND PETITION
For: HYBRID VEHICLE AND CONTROL	:	TO MAKE SPECIAL UNDER
METHOD OF THE SAME	:	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 September 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).

A first request to participated in the PPH program and petition to make special was filed on August 18, 2009. However, that request and petition was dismissed on August 25, 2009 because all the claims in the U.S. application did not sufficiently correspond or were amended to sufficiently correspond to the allowable/patentable claims in the JPO application.

In light of the preliminary amendment filed September 15, 2009 cancelling claims 6-9, the renewed request and petition now comply with the above requirements. Accordingly, the above identified application has been accorded "special" status.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 9/18/09

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Atsuko Utsumi	: DECISION ON REQUEST FOR
Patent Number	: 7631710	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/155,203	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/30/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **68** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Yoshiaki Toyota	: DECISION ON REQUEST FOR
Patent Number	: 7642141	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/155,204	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/30/2008	: 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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DEC 08 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of YAMADA, KENICHIRO, et al. Application No. 12/155,329 Filed: June 6, 2008 Attorney Docket No. MJS-5137-7	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 22, 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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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,334	06/03/2008	Min Hur	302/103	3948

EXAMINER

7590 11/02/2009
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
11/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/02/2009 0030076252

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX1003

Adjustment date: 11/02/2009 NFARMER
06/04/2008 DEMMANU1 00000022 12155334
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-
SUITE 101
ELLICOTT CITY MD 21043

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FEB 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Po-Chih Lai	:	
Application No. 12/155,355	:	ON PETITION
Filed: June 3, 2008	:	
Atty Docket No. MR2847-45	:	

This is a decision on the petition filed on November 25, 2008, which is treated as a petition under 37 CFR 1.181.

The petition is **GRANTED**.

On June 3, 2008, the application was filed. On June 20, 2008, the Office of Patent Application Processing mailed a Notice to File Corrected Application Papers, stating that replacement drawings were required in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). An executed oath or declaration was also required because the oath or declaration filed with the original application papers did not identify the residence (e.g., city and either state or foreign country) of each inventor.

On June 26, 2008, replacement drawings were filed.

On July 10, 2008, a Notice of Incomplete Reply (Nonprovisional) was mailed, stating that replacement drawings in compliance with 37 CFR 1.84 AND 1.121(d) were required, as well as an executed oath or declaration.

On November 25, 2008, the subject petition was filed.

Petitioner asserts that the originally filed drawings were in compliance with 37 CFR 1.84 and 1.121(d), and that the Notice to File Corrected Application Papers mailed on June 20, 2008, was

mailed in error. Petitioner further asserts that the replacement drawings filed on June 26, 2008, were in compliance with 37 CFR 1.84 and 1.121(d), and that the Notice of Incomplete Reply (Nonprovisional) was mailed in error.

Petitioner further asserts that the declaration filed on June 3, 2008, was in accordance with 37 CFR 1.63, and that a new oath or declaration should not have been required in that the mailing address is sufficient if the mailing address and the residence address where the inventor lives are the same.

Upon review, it is noted that the original drawings contained speckling on the drawing sheets and embedded within the drawings. Accordingly, the original drawings were determined not to be in compliance with 37 CFR 1.84 and 1.121(d). The drawings submitted on June 26, 2008 were cleaner, and appear to be acceptable. As such, the Notice of Incomplete Reply was not required with regard to the drawings filed on June 26, 2008.

With regards to the declaration, 37 CFR 1.63(c)(1) states that 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. Petitioner must therefore provide a statement that the residence and mailing address are the same when required by the examiner.

As stated in the Letter mailed on February 11, 2009, the Notice of Incomplete Reply mailed on July 10, 2008 is withdrawn.

No fee is due and none has been charged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of		
Ballantine, et al.	:	
Application No. 12/155,367	:	DECISION ON
Filed: June 3, 2008	:	PETITION
Attorney Docket No. 079173-0348	:	

This is in response to the petition to revive under 37 CFR 1.137(a), filed May 13, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the Notice to File Corrected Application Papers, mailed July 14, 2008. This Notice set an extendable period for reply of two months for applicants to submit a substitute specification (a clean version and a version with markings), together with a statement that it contains no new matter, as well as replacement drawings. Applicants filed a substitute specification and replacement drawings on September 12, 2008. However, applicants did not submit a version with markings, or the statement that it contained no new matter. On September 19, 2008, the Office mailed a Notice of Incomplete Reply, which stated that the time period for reply continued to run from the mailing date of the Notice to File Corrected Application Papers. No further reply with an extension of time having been received, the application became abandoned on September 15, 2008. The Office mailed a Notice of Abandonment on March 18, 2009.

Petition Under 37 CFR 1.137(a):

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 Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition has not satisfied requirement (3).

With respect to item (3), decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[2] In addition, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure,

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

does not constitute "unavoidable" delay.[3]

Petitioner argues that the abandonment was unavoidable because the Notice of Incomplete Reply was not received, and therefore "there was no possibility to avoid the abandonment of the application". In addition, petitioner argues that because the substitute specification was completely identical to the original, it was impossible to submit a version with markings. On a related note, petitioner argues that the requirement to provide a statement that the substitute specification contained no new matter was moot.

Petitioner's argument has been considered, but is not persuasive. First, it is noted that the Notice of Incomplete Reply did not set a period for response. It was applicants' responsibility to ensure that their September 12, 2008 submission was in compliance with the rules.

With respect to the "no new matter statement", it is undisputed that applicants failed to supply this statement with their September 12, 2008 submission. Such a statement was necessary to constitute a proper reply to the Notice to File Corrected Application Papers.

Lastly, with respect to the issue of applicants' failure to provide a version of the substitute specification with markings, applicants should have addressed this requirement with their September 12, 2008 submission, even if they did not believe that a marked up version was necessary.

Receipt of the $540 petition fee is acknowledged.

Petition Under 37 CFR 1.137(b):

With the instant petition, petitioner made the proper statement of unintentional delay, submitted the required reply in the form of an Amendment, and paid the petition fee (in the form of a deposit account authorization).

The $1620 petition fee has been charged to Deposit Account No. 19-0741, as authorized.

---

[3] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the substitute specification filed on May 13, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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OFFICE OF PETITIONS

In re Application of	:	
Alison J. McMillan	:	
Application No. 12/155,376	:	DECISION ON PETITION
Filed: June 3, 2008	:	PURSUANT TO
Attorney Docket No.: 137129	:	37 C.F.R. § 1.181(A)
Title: COMPONENT FOR A GAS	:	
TURBINE ENGINE	:	

This is a decision on the petition filed December 29, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

Receipt of the concurrently submitted response to the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act is acknowledged.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act, mailed October 20, 2008, which set a statutory period for reply of thirty days. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available. Accordingly, the above-identified application became abandoned on November 21, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> 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).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).
>
> (Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act, mailed October 20, 2008, was not received at the correspondence address of record,[1] and has included a copy of the firm's "case detail report," which serves as the individual docket record for this application.

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1 Petitioner has further indicated that a preceding communication dated July 30, 2008 was not received either.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement describing the system used for recording an Office communication received at the correspondence address of record with the USPTO.

Second, Petitioner has not established that the docketing system is sufficiently reliable.

Third, the petition is silent as to any search that might have been performed of the file jacket (or the equivalent) and the application contents, in order to determine if the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act was received.

Fourth, Petitioner has not provided a copy of the record(s) used by the practitioner where the allegedly non-received Requirement for Statement under § 305(c) of the National Aeronautics and Space Act would have been entered had it been received.

Finally, Petitioner has not provided a copy of the master docket for the firm, or stated that no such master docket exists and submitted other forms of evidence (other than the individual docket record for this application).

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, 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, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(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,[2] hand-delivery,[3] or facsimile.[4] Registered

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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.

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] All other inquiries concerning examination procedures or status of this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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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OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Alison J. McMillan	:	
Application No. 12/155,376	:	DECISION ON RENEWED
Filed: June 3, 2008	:	PETITION PURSUANT TO
Attorney Docket No.: 137129	:	37 C.F.R. § 1.181(A)
Title: COMPONENT FOR A GAS	:	
TURBINE ENGINE	:	

This is a decision on the renewed petition filed May 6, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act, mailed October 20, 2008, which set a statutory period for reply of thirty days. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available. Accordingly, the above-identified application became abandoned on November 21, 2008.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on December 29, 2008, where Petitioner stated that the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act, mailed October 20, 2008, was not received at the correspondence address of record.[1] Petitioner further included a copy of the firm's "case detail report," which serves as the individual docket record for this application.

The original petition was dismissed via the mailing of a decision on March 6, 2009.

With this renewed petition, Petitioner has indicated that a search was performed of both the file jacket and the application contents, and the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act was not located.[2] Petitioner has also provided a copy of the docket report that is associated with this particular application, along with a copy of the master docket for the relevant time frame and a copy of the file jacket that is associated with this application.

Petitioner's assertion of non-receipt has not been adequately supported on renewed petition, as will be now pointed out.

Petitioner has indicated that Office communications are entered into a computerized docketing system and a word processing document (which serves as the firm's master docket).[3] However, the renewed petition is silent as to how this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner:

- **Does this computer-based docketing software program generate reports on a periodic basis? If so, are these reports distributed to the responsible attorney?**
- **Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorney?**

---

1 Petitioner further indicated that a preceding communication dated July 30, 2008 was not received either.
2 Renewed petition, page 3.
3 Id. at 2-3.

CONCLUSION

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, 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, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(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,[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.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[8] All other inquiries concerning examination procedures or status of this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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
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).

APPENDIX

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> 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 (emphasis added). 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).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

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JUL 24 2009

OFFICE OF PETITIONS

Paper No.

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
Alison J. McMillan	:	
Application No. 12/155,376	:	DECISION ON SECOND RENEWED
Filed: June 3, 2008	:	PETITION PURSUANT TO
Attorney Docket No.: 137129	:	37 C.F.R. § 1.181(A)
Title: COMPONENT FOR A GAS	:	
TURBINE ENGINE	:	

This is a decision on the second renewed petition filed July 9, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This second renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act, mailed October 20, 2008, which set a statutory period for reply of thirty days. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available. Accordingly, the above-identified application became abandoned on November 21, 2008.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on December 29, 2008, where Petitioner stated that the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act, mailed October 20, 2008, was not received at the correspondence address of record. Petitioner

further included a copy of the firm's "case detail report," which serves as the individual docket record for this application.

The original petition was dismissed via the mailing of a decision on March 6, 2009.

A renewed petition was filed on May 6, 2009, where Petitioner indicated that a search was performed of both the file jacket and the application contents, and the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act was not located.[1] Petitioner further provided a copy of the docket report that is associated with this particular application, along with a copy of the master docket for the relevant time frame and a copy of the file jacket that is associated with this application.

The renewed petition was dismissed via the mailing of a decision on June 1, 2009, which indicated that the record did not contain a sufficient description of how the docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. With this second renewed petition, Petitioner has asserted "…this is not relevant to the issue at hand - whether Oliff & Berridge received the correspondence…"[2]

Petitioner's assertion is not well taken. Petitioner will note that MPEP § 711.03(c) explicitly requires a description of "the system used for recording an Office action received at the correspondence address of record with the USPTO," and as such, an adequate description of the system is a necessary component of a grantable petition. Therefore, this requirement is directly relevant to the allegation that the relevant Office communication was not received at the correspondence address of record. An adequate description of the system includes an indication as to how the system serves to notify the responsible attorney that action is required on a particular matter. At the time of the mailing of the decision on renewed petition, the record did not contain an adequate description of the system. For this reason, the record did not support a finding that the relevant Office communication had not been received.

With this second renewed petition, Petitioner has indicated that the computer-based docketing software program generates reports on both a daily and weekly basis, and these reports are

1 Renewed petition, page 3.
2 Second renewed petition, page 2.

distributed to the responsible attorney.[3] Moreover, Petitioner has indicated that reminders are generated on a daily and weekly basis, prior to the due dates, and these reminders are distributed to the responsible attorney along with an Email reminder.[4]

CONCLUSION

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 the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act of October 20, 2008 was not received.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the Requirement for Statement under § 305(c) of the National Aeronautics and Space Act of October 20, 2008, and will set a new period for response.

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 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.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[5] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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3 Second renewed petition, page 3.
4 Id.
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,382	06/03/2008	Kohei Yoshida	137193	4166

7590 01/08/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
01/08/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/11/2010 MFARMER

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUL 15 2009

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re application of	:	DECISION ON REQUEST TO
Loo Weng Leong	:	PARTICIPATE IN PATENT
Application No. 12/155,427	:	PROSECUTION HIGHWAY
Filed: June 4, 2008	:	PROGRAM AND PETITION
For: SYSTEM CONFIGURED TO LIFT	:	TO MAKE SPECIAL UNDER
HOOD OF VEHICLE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 8, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed July 8, 2009, the petition and request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

It is noted that the Electronic Patent Application Fee Transmittal dated July 8, 2009 indicates that a fee for a "request for voluntary publication or rep" (fee code 1803) was paid July 8, 2009. The required petition fee under 37 CFR 1.17(b) has not been received. However, since the required petition fee under 37 CFR 1.17(h) is also $130, and there appears to be no reason for applicant to request voluntary publication as a notice of publication had already been mailed February 26, 2009, this "publication fee" has been accepted as the required petition fee.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 07/14/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 13 2009

KENYON & KENYON LLP
1500 K STREET, N.W.
SUITE 700
WASHINGTON, DC 20005

In re application of Hidehiro Oba Application No. 12/155,433 Filed: June 4, 2008 For: POWER OUTPUT APPARATUS AND HYBRID VEHICLE EQUIPPED WITH POWER OUTPUT APPARATUS	: : : : : :	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 6, 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 complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 10/09/09

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Paper No.

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MAR 02 2009

OFFICE OF PETITIONS

SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON DC 20036

In re Application of	:	
Naoyuki Satoh, Takeshi Tamura,	:	
Hiroyuki Ide, and Manabu Hama	:	
Application No. 12/155,474	:	DECISION ON PETITION
Filed: June 4, 2008	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: 033082	:	§ 1.47(A)
M 539	:	
Title: SUBSTRATE PROCESSING	:	
APPARATUS AND METHOD	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed February 2, 2009.

This petition pursuant to 37 C.F.R. § 1.47(a) is **GRANTED**.

On June 4, 2008, the application was filed, identifying Naoyuki Satoh, Takeshi Tamura, Hiroyuki Ide, and Manabu Hama as joint inventors. The application was not deposited with an executed declaration. On July 2, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

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 inventor;

(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, *inter alia*, the petition fee, an acceptable declaration that has been executed by each of the joint inventors save Mr. Hama along with the fee that is associated with the late submission of the same, the last known address of the non-signing inventor, and proof that he was provided with a complete copy of the application[1] and that an executed copy of the declaration has not been obtained.[2] Petitioner has further included a five-month extension of time so as to make this response timely.

Each of the requirements of 37 C.F.R. § 1.47(a) has been satisfied.

This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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1 Okeda affidavit, paragraphs 4 and 6.
2 Id. at 7-8.

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.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 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.
12/155,523	06/05/2008	Makoto Shigematsu	2018-2018	5260

7590 12/31/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KAMEN, NOAH P

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
12/31/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
12/31/2009 2000070260

Credit Card Refund Totals $510.00

NO Expect XXXXXXXXXXXX21

Adjustment date: 12/31/2009 NFASHER
06/06/2008 SZEWDIEI 00000040 12155523
02 FC:1111 -510.00 CP

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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.
12/155,546	06/05/2008	Sang-Young Lee	P58706	4957

7590 11/05/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

[illegible] 11/05/2009 NFARMER [illegible]
[illegible]:024948 Application Number:12155546
[illegible] 9234 [illegible] OK

Adjustment date: 11/05/2009 NFARMER
06/06/2008 SZEUDIE1 00000004 12155546
02 FC:1111 -510.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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EVAN M. KENT, ESQ.
MITCHELL, SILBERBURG & KNUPP
11377 WEST OLYMPIC BOULEVARD.
LOS ANGELES CA 90064-1683

COPY MAILED

OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
CARLTON, Dana Alan	:	
Application No. 12/155,581	:	DECISION ON PETITION
Filed: June 06, 2008	:	TO WITHDRAW
Attorney Docket No. **A-10660.C.RNFMP/bh**	:	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 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Stewart L. Gitler 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 Joe Smith at the address indicated below.

There is an outstanding Office action mailed July 30, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DANA ALAN CARLTON**
3966 OAK HOLLOW CIRCLE
WESTLAKE VILLAGE, CA 93010

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/155,769	06/10/2008	Masanori Nagaya	01-1717	6587

7590 10/07/2009
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
NORTON, NADINE GEORGIANNA

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
10/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/08/2009 NFARMER 0017594700
DAM:581147 Name/Number:12155769
FC: 9284 6510.00 CR

Adjustment date: 10/08/2009 NFARMER
06/11/2008 DEMMANU1 00000020 12155769
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of Kenneth L. Weiss Application Number: 12/155803 Filing Date: 06/10/2008 Attorney Docket Number: 0091830.0531844	DECISION DISMISSING PETITION

This is a decision in reference to the "PETITION TO CORRECT FILING DATE ACCORDED BY PATENT OFFICE," filed on August 26, 2008, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of June 9, 2008, rather than the currently-accorded filing date of June 10, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted.

Petitioners allege that the application was deposited in "Express Mail Post Office to Addressee" service on June 9, 2008. Petitioners assert that they have been unable to obtain a copy of the Express Mail customer label showing the "date-in", but have provided, inter alia, a copy of the USPS Track and Confirm Internet Search Results report showing that "Express Mail" Customer Label No. EL736055985US was accepted by the USPS on June 9, 2008.

37 CFR 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to

accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The petition lacks item (2)

In regards to item (2), a search of the official file reveals that petitioner failed to place the Express Mail label number on the originally filed specification and claims, drawings, and transmittal sheet. Any renewed petition should identify where the Express Mail label number can be found in the originally-filed application papers.

The placement of the Express Mail label number on a paper ties the paper to a single, identifiable Express Mail receipt. Where questions are later raised concerning the filing date of the paper, the USPTO may require the applicant to supply a copy of the Express Mail receipt identified on the paper in order to verify the mailing date. Where no Express Mail label number is identified on a paper, the USPTO has no way of independently associating the paper with any particular Express Mail receipt.

The difficulty caused by an applicant's failure to place an Express Mail label number on a paper is clearly illustrated by this case. Since no Express Mail label number was placed on the application papers prior to mailing, the USPTO has nothing in its control from the filing date of the papers to independently corroborate the applicants' assertion that the application was filed on June 9, 2008.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Kenneth L. Weiss	:	
Application Number: 12/155803	:	DECISION ON PETITION
Filing Date: 06/10/2008	:	
Attorney Docket Number:	:	
0091830.0531844	:	

This is a decision on the petition under 37 CFR 1.183, filed on May 4, 2009, requesting waiver of 37 CFR 1.10(c), to correct the filing date. This is also a decision on the renewed petition under 37 CFR 1.10(c), also filed on May 4, 2009, requesting that the above-identified application be accorded a filing date of June 9, 2008, rather than the presently accorded filing date of June 10, 2008.

The petition under 37 CFR 1.183 to waive the rules is **DISMISSED**.

The petition under 37 CFR 1.10(c) is again **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted.

Petitioner requests waiver of the rules in that 37 CFR 1.10(c) requires placement of the Express Mail label number on the correspondence prior to deposit in Express Mail service. Specifically, petitioners aver that the postcard submitted with the renewed petition "comprises evidence equivalent to the Express Mail Label number on the application papers for permitting the USPTO to 'independently associate' application serial number 12/155,803 with the Express Mail Label Number." Further, petitioner asserts that the inclusion of counsel's docket number on the Express Mail label "effectively connects the Express Mail Label Number to the originally filed application papers" as required by 37 CFR 1.10(c).

Petitioner again asserts that the application was deposited in "Express Mail Post Office to Addressee" service on June 9, 2008. In support, petitioners have provided a copy of USPS Express Mail Customer Label No. EL736055985US. While the Customer Label does not contain the "date-in", a copy of the USPS Track and Confirm Internet Search Results report showing that "Express Mail" Customer Label No. EL736055985US was accepted by the USPS on June 9, 2008 has been provided. A copy of the Express Mail Corporate Account Mailing Statement showing the above-referenced Express Mail label was accepted on June 9, 2008 has also been provided.

PETITION UNDER 37 CFR 1.183

35 U.S.C. 21(a) states:

The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered to be filed in the Office on the date on which it was deposited with the United States Postal Service but for postal interruptions or emergencies designated by the Director.

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail."

(a)...

(b)...

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute

the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

(d)...

...

37 C.F.R. § 1.183 Suspension of rules.

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).

In this regard, the Director may waive requirements of the rules so long as those requirements are not requirements of the statute.[1]

Under 35 U.S.C. § 111, the filing date of an application is defined as the date the specification and drawings are filed in the U.S. Patent and Trademark Office. Under 35 U.S.C. § 21, the Director may by rule prescribe that any paper or fee required to be filed in the U.S. Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designed by the Director.

Since there were no postal service interruptions or emergencies designated by the Director on June 9, 2008, the only basis under the statute for according this application a filing date of June 9, 2008, would be a showing that the application was deposited with the United States Postal Service on June 9, 2008.

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[1] In re Kruysman, Inc., 199 USPQ 110 (Comm'r Pats. 1977).

However, the evidence supplied with the petition does not show that the application was deposited with the USPS on June 9, 2008. Rather, while petitioner has shown that an Express Mail shipment was deposited with the USPS on June 9, 2008, there is no evidence connecting that Express Mail shipment to the above identified application. As indicated above, a requirement of the statute cannot be waived by the Director.

Moreover, assuming, *arguendo*, the Director did have the asserted authority, petitioner has not shown the existence of an extraordinary situation where justice requires waiver of the rules. Specifically, the failure to place the Express Mail number on application papers is an avoidable mistake made by applicants, not a circumstance beyond the control of petitioner in the exercise of reasonable care and diligence.[2] As such, there is no adequate showing of "an extraordinary situation" in which "justice requires" suspension of the rules.[3] Even assuming, *arguendo*, that clerical inadvertence or mistake led to petitioner's failure to submit a proper reply, such is not a grounds for requesting waiver of the regulations.[4]

Petitioner's argument that the return receipt postcard permits the USPTO to "independently associate" the application number with the Express Mail number is not well taken. The postcard serves only as evidence of the date that the application papers were *received* in the USPTO on June 10, 2008. Petitioner apparently attempts to link the attorney docket number, placed on the postcard, the application transmittal sheet filed on June 10, 2008, and on the Express Mail label, as evidence all tending to show that the application was deposited in USPS "Express Mail" Post Office to Addressee Service on June 9, 2008.

In this regard, the postcard provides no evidence not already in the application file (e.g., the date of receipt and the attorney docket number), simply put, the date of receipt of the application in the USPTO of June 10, 2008 is not in dispute.

---

[2] See Brenner v. Ebbert, 398 F.2d 762, 765, 157 USPQ 609, 611 (D.C. Cir. 1968), cert. den., 159 USPQ 799 (The Constitution requires notice reasonably designed to forewarn against approaching default; but it does not insure against the effects of a mistaken response to timely notice knowingly received).

[3] See, Nitto Chem. Indus. Co. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (circumstances are not extraordinary, and do not require waiver of the rules, when a party makes an avoidable mistake in filing papers).

[4] See In re Kabushiki Kaisha Hitachi Seisakusho, 39 USPQ2d 1319, 1320 (Comm'r Pat. 1994) (clerical error causing delay leading to a loss of right does not warrant suspension of the rules).

Rather, in the absence of the placement of the Express Mail number on any of the application papers, there is no evidence to link the Express Mail shipment deposited in the USPS on June 9, 2008, to the papers received in the USPTO on June 10, 2008. The placement of extraneous information, such as an attorney docket number, on an Express Mail mailing label cannot serve as evidence linking that label to the shipment deposited with the USPS because that extraneous information, unlike the Express Mail label number, is not created or verified by the USPS. To allow extraneous information, such as a docket number, placed on an Express Mail label to serve as evidence of the filing of an application would contravene the purpose of 37 CFR 1.10, which is to provide assurance to applicants that their filings will be considered to be filed in the USPTO on the date of deposit with the USPS in exchange for placing the independently verifiable USPS Express Mail mailing number, generated and tracked by the USPS on their papers. In short, applicants ask to be afforded the benefits of 37 CFR 1.10 in that their application was admittedly not filed in the USPTO on June 10, 2008, while being excused from the requirement of a showing that the application was actually deposited with the USPS on June 10, 2008, by way of placement of the independently verifiable Express Mail number. Simply put, such a position would allow any applicant to claim, at a later date, that a paper had been filed by Express Mail simply by providing any Express Mail label, showing the desired date-in, which contains a docket number or other information in some way related to that paper.

Petitioner attempts to differentiate this case from *Honigsbaum v. Lehman*, 37 USPQ2d 1799 (D.D.C. 1995) on the grounds that in *Honigsbaum* there were no USPS records supporting the asserted date that the application was filed by Express Mail. The distinction is not well taken, however, as the issue here is not a lack of USPS records, but a lack of evidence that the application papers at issue were the papers contained in the Express Mail shipment. Nevertheless, in *Honigsbaum*, in affirming the USPTO's refusal to waive the requirements of 37 CFR 1.10(c), the court noted the lack of independently corroborated evidence.[5] A similar situation exists in the instant case, as the attorney docket number inscribed on the Express Mail label, which petitioner attempts to rely on, is not part of the USPS records, but is rather uncorroborated information entered by petitioner's counsel solely for petitioner's own benefit.

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[5] Id. at 1800.

More to this point, the fact that an attorney docket number inscribed on the Express Mail label number, unlike the Express Mail Label Number, is not part of the USPS records is clearly demonstrated in this case, where petitioner's Express Mail label is not dated, but petitioners were able to show that the Express Mail shipment contained in the envelope bearing that Express Mail label was accepted by the USPS on June 9, 2008 by way of the Track and Confirm Database and the Corporate Account Statement, both of which contain only the Express Mail Label Number.

Likewise, petitioners attempt to differentiate this case from *Nitto Chem. Indus. Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) on the basis that the *Nitto* applicant had filed the submission by first class mail rather than Express Mail is similarly unavailing because the failure to place the Express Mail label number on the papers to be filed in the USPTO was not at issue in *Nitto*. Further still, the *Nitto* court emphasized the importance of the Express Mail receipt because such a receipt is contemporaneously signed, dated, and time stamped by a disinterested USPS employee.[6] If, as in the instant case, the Express Mail label number is not placed on the papers prior to filing, there is nothing to link those papers to the Express Mail label completed by a disinterested USPS employee.

In summary, petitioners have not demonstrated the existence of an extraordinary situation in which justice requires waiver of the rules. The petition is therefore **dismissed**.

PETITION UNDER 37 CFR 1.10(c)

With regard to the petition under 37 CFR 1.10(c), 37 CFR 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to

[6] Id. at 1781.

> accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The petition lacks item (2)

In regards to item (2), as stated previously, a search of the official file reveals that petitioner failed to place the Express Mail label number on the originally filed specification and claims, drawings, and transmittal sheet.

The placement of the Express Mail label number on a paper ties the paper to a single, identifiable Express Mail receipt. Where questions are later raised concerning the filing date of the paper, the USPTO may require the applicant to supply a copy of the Express Mail receipt identified on the paper in order to verify the mailing date. Where no Express Mail label number is identified on a paper, the USPTO has no way of independently associating the paper with any particular Express Mail receipt.

The difficulty caused by an applicant's failure to place an Express Mail label number on a paper is clearly illustrated by this case. Since no Express Mail label number was placed on the application papers prior to mailing, the USPTO has nothing in its control from the filing date of the papers to independently corroborate the applicants' assertion that the application was filed on June 10, 2008.

The petition under 37 CFR 1.10(c) is therefore again **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Accordingly, the application will be processed with the presently-accorded filing date of June 10, 2008.

The $400.00 fee for a petition under 37 CFR 1.183 has been charged to counsel's deposit account.

The application is being forwarded to the Office of Patent Application Processing for further processing with the currently-accorded filing date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of
Watanabe, et al.
Application No. 12/155,818
Deposited: June 10, 2008
Attorney Docket No. 07241.0043-01

ON PETITION

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a)" filed September 11, 2008, requesting that the above-referenced application be accorded a filing date of June 10, 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 June 10, 2008. However, on July 17, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants, *inter alia*, 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

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of June 10, 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 June 10, 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 11, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

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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.
12/155,848	06/10/2008	Yoshihiro Nakata	12-112	6562

7590 09/11/2009
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BOWES, STEPHEN M

ART UNIT	PAPER NUMBER
3657	

MAIL DATE	DELIVERY MODE
09/11/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/11/2009 NFARMER 0313440709
DAM:501147 Name/Number:12155848
FC: 9204 $510.00 CR

Adjustment date: 09/11/2009 NFARMER
08/01/2008 AWONDAF1 00000054 12155848
03 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/18/2010

Applicant	: Alex Horng	: DECISION ON REQUEST FOR
Patent Number	: 7633687	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/155,871	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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MEREK BLACKMON & VOORHEES LLC
673 S WASHINGTON ST
ALEXANDRIA VA 22314

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APR 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Wilson	:	
Application No. 12/155,875	:	ON PETITION
Filed: June 11, 2008	:	
Attorney Docket No. Case PA-292	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed February 1, 2010.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of an international application filed on May 28, 2008. However, the US Patent and Trademark Office was unintentionally not notified of this filings within 45 days subsequent to the filing of the international application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

Receipt of the $810 petition fee is acknowledged.

The application is being forwarded to Group Art Unit 1796 for consideration of the Amendment filed February 1, 2010.

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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GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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JUN 1 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Randell L. Mills	:	
Application No. 12/155,935	:	DECISION ON PETITION
Filed: June 11, 2008	:	
Attorney Docket No. 08056.0032-01	:	

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 to File Corrected Application Papers (Notice), mailed July 17, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 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 drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/155,939	06/11/2008	Chul-Hong Kim	P58705	7023

7590 03/30/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/30/2009 NFARMER 0000166651

CHECK Refund Total: $510.00

Adjustment date: 03/30/2009 NFARMER
06/12/2008 WASFAW1 00000003 12155939
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
P.O. Box 1450
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JUN 07 2010

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re Application of Vernon P. Joynt, et al. Application No. 12/155,977 Filed: June 12, 2008 Attorney Docket No. 10036.0028-00000	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 14, 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 declaration statement signed by applicant Vernon P. Joynt. 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 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Ryuzou Kawabata	: DECISION ON REQUEST FOR
Patent Number	: 7652473	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/155,982	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/12/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

MAILED

MAR 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Dae-Kee KIM, et al	:	
Application No. 12/155,984	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. 31109-8	:	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 6, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable change of address for future communications from the Office. The assignee indicated on the request has not been properly made of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-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

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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COVINGTON & BURLING, LLP
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
John Robert Maxwell Ellis, et. al	:	
Application No. 12/155,986	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. 028438.0101-US03	:	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 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Andrea G. Reister on behalf of all attorneys of record who are associated with customer No. 26853. All attorneys/agents associated with the Customer Number 26853 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ATGEN CO. LTD.
68 YATAP-DONG, BUDANG-GU, SEONGNAM-SI
ADVANCED TECHNOLOGY RESEARCH CENTER
ROOM 105
GYEONGGI-GO 463-816, KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/155,986	06/12/2008	John Robert Maxwell Ellis	028438.0101-US03

CONFIRMATION NO. 7929

POWER OF ATTORNEY NOTICE

26853
COVINGTON & BURLING, LLP
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

OC000000034803440

Date Mailed: 03/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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112 SOUTH WEST STREET
ALEXANDRIA VA 22314

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MAR 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Dae-Kee KIM, et al	:	
Application No. 12/155,989	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. 31109-7	:	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 6, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable change of address for future communications from the Office. The assignee indicated on the request has not been properly made of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.,* copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-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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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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OCT 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Paluffi et al.	:	
Application No. 12/156,028	:	ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. 163-816	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 11, 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 March 5, 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 6, 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 of the invention to be examined, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center 3641 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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JAN 25 2010

In re Application of	:	
Alvaro PALUFFI et al.	:	
Application No. 12/156,028	:	NOTICE
Filed: May 29, 2008	:	
Attorney Docket No. **163-816**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment*. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

In re Application of:	:	
Eldon D. DALRYMPLE et al.	:	
Application No. 12/156,075	:	DECISION ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. 2007-IP-023022UI	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 19, 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 24, 2009, which set a shortened statutory period for reply of three (3) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment; (2) the petition fee of $1,620.00; and (3) an adequate statement of unintentional delay. Accordingly, the response to non-final office action filed on February 19, 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 3676 for appropriate action on the concurrently filed amendment.

David A. Bucci
Petitions Examiner
Office of Petitions

CC: Todd E. Albanesi
1601 Elm Street, Suite 1950
Dallas, Texas 75201-4744

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: Chooi Pei Lim	: DECISION ON REQUEST FOR
Patent Number	: 7622952	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/156,090	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Application of :
Nishikawa, et al. :
Application No. 12/156,116 :
Deposited: May 28, 2008 :
Attorney Docket No. 4041J-001459 :
For: REFRIGERATION APPARATUS WITH EXHAUST HEAT RECOVERY DEVICE

ON PETITION

This is a decision on the petition, filed August 25, 2008, requesting, in effect, partial withdrawal of the Notice of Incomplete Nonprovisional Application (Notice), mailed June 25, 2008, insofar as it alleges that the application deposited on May 28, 2008 was filed without claims.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on May 28, 2008. On June 25, 2008, the Office of Initial Patent Examination mailed a Notice informing applicants, *inter alia*, that the application had not been accorded a filing date because claims appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the application be accorded a filing date of May 28, 2008 on the basis that claims 1-15 were received in the Patent and Trademark Office (PTO) on May 28, 2008.

While the application deposited on May 28, 2008 was filed in Japanese, a review of the specification filed on May 28, 2008 reveals that page 23 lists "What Is Claimed is:" in English, followed by Claims 1-15, which are numbered in Japanese and in Arabic numerals. It is apparent that claims were filed on May 28, 2008.

Accordingly, the request is granted. The application, as-originally filed, is entitled to a filing date of May 28, 2008.

Pursuant to petitioners' authorization, the $400.00 fee submitted with the instant petition will be credited to deposit account no. 08-0750.

The application is being returned to Office of Patent Application Processing for further processing, with a filing date of **May 28, 2008**. It is noted that applicants filed a response to the June 25, 2008 Notice on September 15, 2008. The response includes an English translation of the Japanese language application filed on May 28, 2008.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

JAN 08 2009

TECHNOLOGY CENTER 2100

In re Application of: Oded DUBOVSKY et. al. ::
Serial No.: 12/165,116 ::
Filed: June 30, 2008 :
Docket: IL920050035US2 ::
Title: MITIGATING ADDRESS BOOK WEAKNESSES THAT PERMIT THE SENDING OF E-MAIL TO WRONG ADDRESSES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 30, 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 U.S.C. §103(c).

REVIEW OF FACTS

The conditions [I. 1-4, II. 1.5, II. 5.1 - 5.3, II. 6.4 and II. 6.6] above are considered to have been met. However, the petition fails to comply with the conditions [II. 6.1 - 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 to the requirement of MPEP 708.02(a) (I) (1) and item II. 6.1 above, an accelerated examination support document must include: an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

In accordance with I. (9) (B) of the Federal Register publication mentioned 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.

More specifically, IDS PTO-A820 form (one set of four sheets/pages not numbered) filed with petition, cites a total of sixteen (16) references of which four (4) references, were not discussed on the "9(A) References Deemed Most Closely Related:" section of the AESD, namely, *Fishkin, Goldberg, et. al., Mizrachi, et. al. and Masaru, M. et. al.*

Hence, AESF fails for **each reference cited** 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, as required.

The AESD is further insufficient for *lack of identification and explanation* of information disclosure statements (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 references deemed **not closely related** to the subject matter of the claims. Correction is required.

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.

This deficiency can be corrected by simply filing an Information Disclosure statement letter, properly signed (as required for the submission of all documents filed in the Office, see 37 CFR §1.56 and 10.18) for **each *individual*** IDS, where identification and explanation as to whether or not the IDS supports the AESD could easily be provided. Applicants may use online IDS forms, Form PTO-1449, Form PTO/SB/08A, and Form PTO/SB/08B, as well as "equivalent" information disclosure statements (http://**www.uspto.gov/web/forms**/forms_alpha.html).

Regarding to the requirement of MPEP §708.02(a) (I) (2-3) and item II 6.2 - 6.3, the accelerated examination support document (AESD) must include:

an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference; and

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) and

The AESD fails to identify all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

For example, the "9(A) Reference Deemed Closely Related:" section states GUY et. al., Christoff ('583), Hogan, et. al., Van Zandt, Rabindranath Dutta, Christoff ('741), and Arnold, et. al., all teach the claimed limitation/feature of *"presenting **said** determining to the sender"*, however, the are actually two "determination" steps, preceding this presenting step, i.e.

(i) "*...determining prior to sending an e-mail message whether one of a plurality of recipients of an e-mail message should receive said e-mail message*"...;

(ii) "*...determine whether said one of said plurality of recipients is ordinarily connected with a subject of said email message*".

It unclear, (i) which of these determinations **is** taught by the reference (and thereby presented to the sender), **since** the AESD clearly states that Guy et. al. teaches "*presenting **the** determining to the sender*". Furthermore, according the AESD's "9(C) Detailed Explanation of Patentability:" statement, **none** of the references deemed closely related to the claimed subject matter teach or suggest **any** of the limitations of the claim. Clarification is required.

Additionally, identification of the limitations in the claims that are disclosed by the references is ***conflicting*** with the detailed explanation was to how the claim is patentable over the references. For example:

(ii) The Guy et. al., Christoff, et. al. (the '583 patent) and Martin, et. al. reference teach according to the AESD the claimed feature: "*analyzing history information of a sender of said e-mail message to determine whether said one of said plurality of recipients is ordinarily connected with a subject of said e-mail message*", however, according the AESD's "9(C) Detailed Explanation of Patentability:" statement, **none** of the references deemed closely related to the claimed subject matter teach or suggest **any** of the limitations of the claim (i.e. by listing all limitations of the claim as not being taught or suggested). Clarification is required.

(iii) Christoff (the '583 patent), Hogan, et. al., Martin, et. al., Malik, Johnson, et. al. and Katsikas, all teach the claimed limitation "*determining prior to sending an e-mail message whether one of a plurality of recipients of an email message should receive said e-mail message*" according to the AESD's "9(A) Reference Deemed Closely Related" section, however according to the AESD's "9(C) Detailed Explanation of Patentability:" statement, **none** of the references deemed closely related to the claimed subject matter teach or suggest **any** of the limitations of the claim. Clarification is required.

(iv) Christoff, et. al. ('741), Arnold, et. al., and Forman teach according to the AESD, "*determining prior to sending an e-mail message whether one of a plurality of recipients of an email message should receive said e-mail message and presenting the determining to the sender*", however according to the AESD's "9(C) Detailed Explanation of Patentability:" statement, **none** of the references deemed closely related

to the claimed subject matter teach or suggest **any** of the limitations of the claim. Clarification is required.

Regarding the requirement of MPEP 708.02(a) (I)(5) and item II 6.5, the Accelerated Examination Support Document (AESD) fails to provide showing of where ***each limitation of each claim*** finds support under 35 USC 112, first paragraph, in the written description of the specification.

The AESD has properly mapped each claim feature with its corresponding support element of instant application's disclosure. However, the AESD fails to identify each claim limitation(s) and the corresponding support in the cited portions (page, line, and corresponding elements in the figures) where the instant claim language finds corresponding support ***in the application*** (e.g. *continuation in-part of US. Appln. No. 11/250,327*) for which instant application claims priority (see Oath/Declaration and first page of the specification).

More specifically, 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. Applicants should specify where in the specification each limitation of the claim finds support for each application **separately.**

For these reasons, the petition does not meet the requirement of MPEP § 708.02.

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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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/165,116	06/30/2008	Oded DUBOVSKY	IL920050035US2	1436

48150 7590 01/09/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
01/09/2009	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.
12/156,116	05/28/2008	Michio Nishikawa	4041J-001459	2097

7590 08/28/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
TAPOLCAI, WILLIAM E

ART UNIT	PAPER NUMBER
3744	

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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/01/2009 NFARMER 0000168671

CHECK Refund Total: $510.00

Adjustment date: 09/01/2009 NFARMER
06/02/2008 WABDELR1 00000002 12156116
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,117	05/28/2008	Michio Nishikawa	4041J-001460	2486

7590 09/03/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
TAPOLCAI, WILLIAM E

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
09/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/08/2009 NFARMER 0000168725

CHECK Refund Total: $510.00

Adjustment date: 09/08/2009 NFARMER
06/02/2008 WABDELR1 00000001 12156117
02 FC:1111 -510.00 OP

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LUMEN PATENT FIRM
2345 YALE STREET
SECOND FLOOR
PALO ALTO CA 94306

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APR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Corazza, et al.	:	
Application No. 12/156,132	:	ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. S07-254/US	:	

This is a decision in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 23, 2009.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The instant petition lacks a signature, and therefore will not be considered on the merits. On renewed petition, petitioner must submit a signed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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PALO ALTO CA 94306

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Corazza, et al.	:	
Application No. 12/156,132	:	ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. S07-254/US	:	

This is a decision in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 11, 2009.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The application became abandoned for failure to file a timely reply to the Notice to File Missing Parts, mailed June 17, 2008. This Notice set an extendable period for reply of two months for applicant to submit the statutory basic filing fee, an oath or declaration, a late surcharge, and replacement drawings. On October 20, 2008, applicant filed a reply; however, the replacement drawings submitted were not suitable. Accordingly, the Office mailed a Notice of Incomplete Reply on November 18, 2008. This Notice stated that the period for response would continue to run from the mailing date of the June 17, 2008 Notice. The application became abandoned on October 18, 2008. The Office mailed a Notice of Abandonment on February 20, 2009.

On petition, petitioner states that he did not receive the November 18, 2008 Notice of Incomplete Reply. However, that Notice did not set a period for reply. Petitioner does not argue that the Notice to File Missing Parts was improperly mailed, or that its requirements were fully complied with. As such, petitioner's argument concerns the cause of the abandonment (addressed by a petition to revive under 37 CFR 1.137(a) or 37 CFR 1.137(b), and not whether the abandonment occurred in fact.[1] As the Notice to File Missing Parts was properly mailed, the holding of abandonment was proper and will not be withdrawn.

While the showing of record is not sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(a) or CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 711.03(c)(I).

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PALO ALTO CA 94306

MAILED

AUG 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Corazza, et al.	:	
Application No. 12/156,132	:	ON PETITION
Filed: May 29, 2008	:	
Attorney Docket No. S07-254/US	:	

This is a decision in response to the petition under 37 CFR 1.137(b), filed July 10, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application became abandoned for failure to file a timely reply to the Notice to File Missing Parts, mailed June 17, 2008. This Notice set an extendable period for reply of two months for applicant to submit the statutory basic filing fee, an oath or declaration, a late surcharge, and replacement drawings. On October 20, 2008, applicant filed a reply; however, the replacement drawings submitted were not suitable. Accordingly, the Office mailed a Notice of Incomplete Reply on November 18, 2008. This Notice stated that the period for response would continue to run from the mailing date of the June 17, 2008 Notice. The application became abandoned on October 18, 2008. The Office mailed a Notice of Abandonment on February 20, 2009.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,146	05/30/2008	Juergen Schiemann	10191/5372	4228

26646 7590 04/09/2009
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
04/09/2009	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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

Applicant: Schiemann
Appl. No.: 12/156,146
Filing Date: May 30, 2008
Title: METHOD AND DEVICE FOR CONTROLLING A HYDRAULIC ACTUATOR
Attorney Docket No.: 10191/5372
Pub. No.: US 2009/0014672 A1
Pub. Date: January 15, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on April 2, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 04/10/2009 KKING1
04/03/2009 INTEFSW 00002193 12156146
01 FC:1504 -300.00 OP

Refund Ref:
04/10/2009 0030068636

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,215	05/30/2008	Tatsuhiko Nishino	4041J-001458	2647

7590 11/25/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refin. Ref: 11/25/2009 NFARMER 0016445800
DAB:039750 Name/Number:12156215
FC: 9204 $510.00 CR

Adjustment date: 11/25/2009 NFARMER
06/02/2008 SSITHIB1 00000077 12156215
02 FC:1111 -510.00 OP

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UNITED STATES PATENT AND TRADEMARK OFFICE

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SIRIUS STRATEGIC, LLC
6769 W. SHADOW LAKE DR.
LINO LAKES MN 55014

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JUN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
George J. Wayne	:	
Application No. 12/156,293	:	DECISION ON PETITION
Filed: May 30, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Gregoire - 5	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 18, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he 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 3637 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

SEP 17 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
MYLLYNEN, HARRI, et al.	:	DECISION ON REQUEST TO
Application No. 12/156,335	:	PARTICIPATE IN PATENT
Filed: May 30, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 07721C/RPM	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 15, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application numbers 0420339.4 and 803553.7.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 0 4 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of MYLLYNEN, HARRI, et al. Application No. 12/156,335 Filed: May 30, 2008 Attorney Docket No. 07721C/RPM	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 05/17/2010

Applicant	: David Lewis	: DECISION ON REQUEST FOR
Patent Number	: 7656191	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/156,403	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/30/2008	: 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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APR 1 0 2009

OFFICE OF PETITIONS

Joanne M. Martin
40 North Spring Street
Concord NH 03301-3902

In re Application of
Lai, et al.
Application No. 12/156,418
Filed: June 2, 2008
Attorney Docket No. ABO-2

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed March 19, 2009.

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 application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed June 27, 2008. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The notice required payment of $50.00 in additional claim fees. A response was not received within the allowable period and the application became abandoned on August 28, 2008. A Notice of Abandonment was mailed on March 9, 2009.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirement of item (1) above.

As to item (1), the USPTO was not able to charge the designated credit card for the $50.00 in additional claim fees. The renewed petition must be accompanied by payment for the additional claim fees. The petition fee was received and no additional petition fee is due with the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Questions regarding assessment of the claim fees and the attempt to charge the credit card for the same should be directed to the Office of Patent Application Processing. Questions concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JUN 03 2009

OFFICE OF PETITIONS

Joanne M. Martin
40 North Spring Street
Concord NH 03301-3902

In re Application of
Lai, et al.
Application No. 12/156,418
Filed: June 2, 2008
Attorney Docket No. ABO-2

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed April 21, 2009.

The petition under 37 CFR 1.137(b) is **granted**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed June 27, 2008. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The notice required payment of $50.00 in additional claim fees. A response was not received within the allowable period and the application became abandoned on August 28, 2008. A Notice of Abandonment was mailed on March 9, 2009.

The amount of $52.00 for additional claim fees is noted.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARRY E. NOVINGER
#609
13890 E. MARINA
AURORA, CO 80014-3760

COPY MAILED
JUL 16 2008

In re Application of
NOVINGER, Harry E. et al.
Application No. 12/156,427
Filed: June 02, 2008
Attorney Docket No.

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 June 02, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Harry E. Novinger attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination to await a reply to the Notice to File Corrected Application Papers (Notice) mailed June 20, 2008. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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LANXESS CORPORATION
111 RIDC PARK WEST DRIVE
PITTSBURGH PA 15275-1112

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SEP 2 5 2008

OFFICE OF PETITIONS

In re Application of
Gabor Kaszas
Application No. 12/156,501
Filed: June 3, 2008
Attorney Docket No. **Mo-7006D3/PS-1070D3**

: DECISION GRANTING PETITION

This is in response to the petition filed July 15, 2008 which is being treated as an amendment and response to the Notice of Incomplete Nonprovisional Application mailed June 23, 2008. The petition requests a filing date. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on June 3, 2008. However, on June 23, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim 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.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of June 3, 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 has been referred to Office of Patent Application Processing for:

- correction of the filing date to June 3, 2008
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and
- for issuance of a filing receipt.

Entry of the amendment filed July 15, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,540	06/02/2008	Yoshihito Ishibashi	SONYJP 3.3-253 CONT	3531

7590 09/03/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2435	

MAIL DATE	DELIVERY MODE
09/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment Date: 09/03/2009 BPOWELL
[illegible] 12156540
[illegible] 510.00 CR
[illegible] 775.00 CR

Adjustment Date: 09/03/2009 BPOWELL
[illegible] 12156540
[illegible] 510.00 CR
[illegible] 775.00 CR

FORM PET651G (Rev. 08/07)

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REED SMITH LLP
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA PA 19103

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
Yongqing Zhang et al :
Application No. 12/156,561 : ON PETITION
Filed: June 2, 2008 :
Attorney Docket No. 06-40189-USD2 (728882.000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 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 final Office action mailed, November 10, 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 February 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of Application No. 12/776837.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on June 1, 2010 was subsequent to the maximum extendable period for reply, petitioner has been refunded $555 to Deposit Account No. 18-0586.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and

Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to David Bucci at (571) 272-7099 or in his absence to Ariana Zimbouski at (571)-272-6739.

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/130 (03-08)
Approved for use through 06/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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	12/156,565	Confirmation Number	4148	Filing Date	2008-06-02
Attorney Docket Number (optional)	DSM-0097	Art Unit	2819	Examiner	
First Named Inventor	Madhukar B. Vora				
Title of Invention	Programmable Switch Circuit and Method, Method of Manufacture, and Devices and Systems including the same				

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
Madhukar	B.	Vora	

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	/Madhukar B. Vora/	Date (YYYY-MM-DD)	2008-08-01
Name	Madhukar B. Vora		

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
Madhukar B. Vora

Application No. 12156565

Filed: June 2,2008

Attorney Docket No. DSM-0097

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 01-AUG-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

MAILED

FEB 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Rovshan Goumbatoglu Sadygov et al.	:	
Application No. 12/156,572	:	DECISION ON PETITION
Filed: June 3, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **BFM-051US**	:	

This is a decision on the petition, filed December 7, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on April 29, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 3, 2010, accompanies this decision on petition.

The fee for a petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing under 37 CFR 1.137(f) is $1,620 (Large Entity). However, the $1,540 petition fee submitted will be applied towards the $1,620 petition fee. Therefore, the balance of $80 will be charged to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forward to Technology Center Art Unit 2617 for examination in due course.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
12/156,572	06/03/2008	Radoslaw Romuald Zakrzewski	BFM-051US

CONFIRMATION NO. 3722

54004
MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

NONPUBLICATION RESCISSION LETTER

OC000000040306894

Date Mailed: 02/26/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/03/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,590	06/03/2008	Christian W. Siebel	50474/013003	3713

21559 7590 06/03/2009
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

ART UNIT	PAPER NUMBER
1646	

NOTIFICATION DATE	DELIVERY MODE
06/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

Applicant: Siebel et al.
Appl. No.: 12/156,590
Filing Date: June 3, 2008
Title: ANTI-NOTCH1 NRR ANTIBODIES AND METHODS USING SAME
Attorney Docket No.: 50474/013003
Pub. No.: US 2009/0081238 A1
Pub. Date: March 26, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 6, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Kamte

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 06/03/2009 KKING1
05/07/2009 INTEFSW 00002045 032095 12156590
02 FC:1504 300.00 CR

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OCT 02 2008

TECHNOLOGY CENTER 2100

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: AALTONEN et al.
Application No. 12/156598
Filed: March 14, 2008
For: ALLOCATION SYSTEM AND METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK Patent Office (hereinafter, UK IPO);

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the UK IPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the UK IPO examiner in the UK IPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application number 0802366.5.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 04 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
AALTONEN, JANNE, et al.	:	DECISION ON REQUEST TO
Application No. 12/156,598	:	PARTICIPATE IN PATENT
Filed: June 3, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 07299D3/RPM	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

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JAN 07 2010

OFFICE OF PETITIONS

In re Application of
HUIZENGA ET AL.
Application No. 12/156,621
Filed: June 2, 2008
Attorney Docket No. PA4428US

DECISION ON PETITION
TO MAKE SPECIAL UNDER
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 in 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102(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 items 1 and 5 as explained in more detail below.

In regard to item 1, this application has been classified (USPC 700/275) in an area that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not be eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified else where. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Therefore, while it is noted that on page 2, paragraph no. 2 of the "Statement of Special Status", Applicants have suggested that the present application should be classified under USPC 700/295, the current classification of the application is USPC 700/275. 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.

In regard to item 5, it is noted that applicant's invention relates to a method and apparatus for distributed intelligence in facility lighting control, and a computer-readable storage medium having stored thereupon executable computing instructions for performing the method. In the statement accompanying the instant petition, petitioner states that the present application materially contributes to category (B), the more efficient utilization and conservation of energy resources, by "local distributed management of local devices". Essentially, the claimed invention seeks to execute localized control based on signals representative of local conditions such as presence of occupants in the area to be illumined, etc. Such condition based control is known. Thus, the instant petition fails to explain how the instant invention contributes in a significant, substantial or noticeable manner to the more efficient utilization and conservation of energy resources or green house gas emission reduction. Accordingly, it is unclear as to how the claimed invention would materially contribute under category (A) or (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 FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Gay Ann Spahn at 571-272-8011.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2121 for action in its regular turn.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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APR 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Keting CHU	:	
Application No. 12/156,657	:	DECISION ON PETITION
Filed: June 2, 2008	:	TO WITHDRAW
Attorney Docket No. 33983-706.204	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 2, 2010.

The request is **NOT APPROVED**.

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. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Maya Skubatch and the attorneys associated with Customer No. 21971 do not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. The address associated with the Customer Number in the Request is the address to be used for correspondence purposes only. The Power of Attorney filed September 16, 2009, was not accepted per the Notice from the Office dated September 29, 2009.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Diane Goodwyn
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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REAL D - Patent Department
by Baker & McKenzie LLP
2001 Ross Avenue, Suite 2300
Dallas TX 75201

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In re Application of	:	
Joseph Chiu, et al.	:	
Application No. 12/156,683	:	DECISION ON PETITION
Filed: June 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. REAL0190	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that one of the applicant's 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 2621 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
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/156,728	06/02/2008	Monty Cole	1SQMC100	4252

37351 7590 06/25/2008
LAW OFFICES OF ANDREW Y. SCHROEDER
1177 Marsh Street
SUITE 100
San Luis Obispo, CA 93401

EXAMINER

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
06/25/2008	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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United States Patent and Trademark Office
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FROM DIRECTORS OFFICE

JUN 25 2008

TECHNOLOGY CENTER 3600

Law Offices of Andrew Y. Schroeder
1177 Marsh Street
Suite 100
San Luis Obispo, CA 93401

In re application of Monty Cole Application No. 12/156,728 Filed: June 2, 2008 For: MOTORIZED AXLE FOR USE WITH ENVIRONMENTALLY FRIENDLY VEHICLES	:	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on June 2, 2008 to make the above-identified application special for Environment and Energy 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 petition to make special for Environment and Energy under 37 C.F.R. § 1.102(d) is not acceptable at least because the application was not filed electronically using the USPTO's EFS or EFS-web as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on June 2, 2008, the petition must be considered under the new guidelines and thus is properly **DENIED**.

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 Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu,
Quality Assurance Specialist
Technology Center 3600

TL/tl: 06/20/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Ian Saker	: DECISION ON REQUEST FOR
Patent Number	: 7596866	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/156,732	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELIZABETH R. HALL
1722 MARYLAND STREET
HOUSTON, TX 77006

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OFFICE OF PETITIONS

In re Application of	:	
GIPSON, Tommie Carroll	:	
Application No. 12/156,756	:	DECISION ON PETITION
Filed: June 04, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **CTSI-P0016US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 04, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Tommie C. Gipson attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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GREENSFELDER HEMKER & GALE PC
SUITE 2000
10 SOUTH BROADWAY
ST LOUIS MO 63102

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SEP 02 2008

In re Application of	:	
James M. Bausch, et al.	:	
Application No. 12/156,775	:	DECISION ON PETITION
Filed: June 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 45100-8803401	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that two of the applicants are 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 1615 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 28 2010

OFFICE OF PETITIONS

RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

In re Application of	:	
ALTARAC, Moti et al.	:	
Application No. 12/156,857	:	DECISION ON PETITION
Filed: June 04, 2008	:	TO WITHDRAW
Attorney Docket No. **65837-8014US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 07, 2010.

The request is moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to VERTIFLEX, INC. has been revoked by the assignee of the patent application on January 15, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PERKINS COIE LLP**
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

COPY MAILED

DEC 01 2009

OFFICE OF PETITIONS

In re Application of
David L. Dedrick et al
Application No. 12/156,860
Filed: June 3, 2008
Attorney Docket No. 103711-0001

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 8, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on June 3, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/933,783, which was filed on June 7, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. 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. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) 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).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

As authorized, the $1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account No. 01-2704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

COPY MAILED
JAN 13 2010

In re Application of	:	
David L. Dedrick et al	:	
Application No. 12/156,860	:	DECISION ON PETITION
Filed: June 3, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 103711-0001	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed December 7, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

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.

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 the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3772 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.

/KOC/
Karen Creasy
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/156,860	06/03/2008	3772	665	103711-0001	26	3

CONFIRMATION NO. 5069

CORRECTED FILING RECEIPT

35940
ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND, OR 97209-2785

OC000000039631819

Date Mailed: 01/13/2010

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)

David L. Dedrick, Bend, OR;
John Barney, Powell Butte, OR;

Assignment For Published Patent Application

David L. Dedrick

Power of Attorney: The patent practitioners associated with Customer Number 35940

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/933,783 06/07/2007

Foreign Applications

If Required, Foreign Filing License Granted: 06/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/156,860**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Apparatus, system and method for detecting and treating airway obstructive conditions during sleep

Preliminary Class

128

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Roeder & Broder LLP
5560 Chelsea Avenue
La Jolla CA 92037

COPY MAILED
SEP 23 2008

In re Application of Yousif Kato and Jeff Vesey Application No. 12/156,971 Filed: June 5, 2008 Attorney Docket No. 20040.03/IDT2204 Title: SMALL PITCH BALL GRID ARRAY OF A PACKAGE ASSEMBLY FOR USE WITH CONVENTIONAL BURN-IN SOCKETS	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 August 29, 2008.

This petition is **DISMISSED**.

On June 5, 2008, this application was filed, identifying Yousif Kato and Jeff Vesey as joint inventors. The application was deposited without a fully executed oath or declaration. On June 25, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

Along with this petition, Petitioner has submitted a declaration of facts, the petition fee, a declaration that has been executed by Mr. Vesey along with the associated surcharge, and the last known addresses of the non-signing inventor.

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.

Petitioner has satisfied requirements (1) - (3) of Rule 1.47(a).

Regarding the fourth requirement of Rule 1.47(a), it does not appear that Petitioner has submitted adequate proof that a complete copy of the application was sent to the non-signing inventor. The petition is silent as to any attempt that might have been made to provide the non-signing inventor with a complete copy of the application.

It follows that one cannot refuse to sign something which one has not been presented with. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition pursuant to 37 C.F.R. § 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.[1]

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1 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Before filing the renewed petition, Petitioner should mail a complete copy of the application to the last known residential address of the non-signing joint inventor, and provide him with a reasonable period of time to respond. **A statement should be provided from the individual having firsthand knowledge of this mailing.**

Regarding the fifth requirement of Rule 1.47(a), the declaration that was included with this renewed petition cannot be accepted as it contains erroneous information pertaining to the filing of this petition (on the third page of the same, **it has not been indicated that a petition has been filed for non-signing inventor Kato**).

Any renewed petition 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,[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.

It is noted that the address listed on the petition differs from the address of record. The application file indicates that a Power of Attorney and Correspondence Address Indication Form was submitted with this petition, and this form contains Customer Number 25220. However **the address that is associated with this Customer Number does not match the address that appears at the terminal portion of this petition.** If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address that contains his proper address

---

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

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 here: http://www.uspto.gov/web/forms/sb0122.pdf.

Alternatively, Petitioner may wish to change the address that is associated with Customer Number 25220.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. 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

cc: Roeder & Broder LLP
9915 Mira Mesa Blvd., Ste. 300
San Diego, California 92131

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).

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

Paper No.

Roeder & Broder LLP
5560 Chelsea Avenue
La Jolla CA 92037

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DEC 05 2008

OFFICE OF PETITIONS

In re Application of Yousif Kato and Jeff Vesey Application No. 12/156,971 Filed: June 5, 2008 Attorney Docket No. 20040.03/IDT2204 Title: SMALL PITCH BALL GRID ARRAY OF A PACKAGE ASSEMBLY FOR USE WITH CONVENTIONAL BURN-IN SOCKETS	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 October 21, 2008.

This renewed petition is **GRANTED**.

On June 5, 2008, this application was filed, identifying Yousif Kato and Jeff Vesey as joint inventors. The application was deposited without a fully executed oath or declaration. On June 25, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

In response, Petitioner submitted the original petition, along with a declaration of facts, the petition fee, a declaration that has been executed by Mr. Vesey along with the associated surcharge, and the last known addresses of the non-signing inventor.

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 inventor;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The decision on the original petition indicated that requirements (1) - (3) of Rule 1.47(a) had been satisfied.

With this renewed petition, Petitioner has established that a complete copy of the application was sent to the last-known address of the non-signing inventor, has provided him with a reasonable period of time to respond, and has included an acceptable declaration.

As such, <u>each of the five requirements of 37 C.F.R. § 1.47(a) has been satisfied</u>. This application is hereby accorded Rule 1.47(a) status.

As provided in 37 C.F.R. § 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address which appears on the declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MARK LEVY
HINMAN, HOWARD & KATTELL, LLP
80 EXCHANGE STREET
P.O. BOX 5250
BINGHAMTON NY 13901

COPY MAILED

AUG 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
MARGARET M. SPOLAR	:	
Application No. 12/156,974	:	DECISION ON PETITION
Filed: June 06, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SPOLAR-103**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 06, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Margaret Spolar's driver's license attesting to her 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 3622 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/157,005	06/05/2008	Cha-Won Hwang	SDIYPL.202AUS	5890

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	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

Repln. Ref: 10/30/2009 NFARMER 0012255900
DRN:111410 Name/Number:12157005
FC: 9204 $510.00 CR

Adjustment date: 10/30/2009 NFARMER
06/10/2008 NNGUYEN1 00000008 12157005
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HENRY TIEN LO
3609 MELONIES DR., #96
LAS VEGAS NV 89103

COPY MAILED

OCT 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Henry Tien Lo :
Application No. 12/157,039 :
Filed: June 6, 2008 :
Title: CARD GAME :

DECISION ON PETITION

This is a decision on the petition filed August 21, 2008, requesting that the above-identified application be accorded a filing date of June 6, 2008.

On June 6, 2008, applicant deposited the above-identified application. On June 17, 2008, the Office mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items.

In response, on August 21, 2008, applicants submitted the present petition and fee, one drawing sheet, and a copy of the return receipt postcard. The postcard acknowledged receipt of the following items in the USPTO on June 6, 2008: Specification (24 pages), drawing sheet (1 page), Utility patent application transmittal (1 page), oath or declaration (3 pages), fee sheet (1 page), and a check in the amount of $515.00.

Upon review of the record, the one drawing sheet, deposited on June 6, 2008, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 6, 2008, included one drawing sheet, which was subsequently misplaced in the USPTO. Therefore, the application, including the one drawing sheet, was complete on filing and will be granted a filing date of June 6, 2008.

Accordingly, the petition is **granted**. The Notice of Incomplete Nonprovisional Application was sent in error and is hereby withdrawn.

The application is being referred to the Office of Patent Application Processing to accord the above-identified application a filing date of **June 6, 2008**, using the one drawing sheet submitted August 21, 2008, and to mail a corrected filing receipt.

The $400.00 petition fee is unnecessary and will be refunded in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF JOHN W. HARBST
1180 LITCHFIELD LANE
BARTLETT IL 60103

COPY MAILED
SEP 23 2008

In re Application of
CENTENO et al.
Application No. 12/157,041
Filed: June 6, 2008
Attorney Docket No. 45054.00.080

DECISION ON PETITION

This is a decision on the petition filed July 31, 2008, requesting that the above-identified application be accorded a filing date of June 6, 2008, with pages 16 and 23 of the specification as part of the original disclosure.

On June 6, 2008, applicants filed the above-identified application. On June 30, 2008, the Office mailed a Notice to File Corrected Application Papers, stating that the application had been accorded a filing date of June 6, 2008, and advising applicants that pages 16 and 23 of the specification were missing. Additionally, the Notice required the submission of replacement drawings in compliance with 37 CFR 1.84(c) and 1.121(d).

On July 31, 2008, applicants filed the present petition, an authorization to charge the petition fee, eight sheets of drawings, and a copy of pages 16 and 23 of the specification, which applicants asserted were filed on June 6, 2008. In support of the petition, applicants submitted the following items:

1. Declaration of Jennifer Gaydos
2. Declaration of John W. Harbst
3. Copy of return receipt postcard prepared by John W. Harbst

The Office file is the official record of the papers originally filed in this application. A review of the official file reveals that pages 16 and 23 were not located among the application papers. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The Office considers the declarations by individuals involved in the preparation and mailing of the original application, reciting their personal recollections of what was contained in the application that they reviewed and/or mailed; however, such recollections are not *prima facie* evidence of receipt of the omitted items in the USPTO on filing.

Pursuant to MPEP 503, a receipt for any paper or fee filed in the USPTO may be obtained by enclosing with the items a stamped, self-addressed postcard, which specifically identifies the items. A postcard receipt that itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped by the USPTO. Id. Upon receipt of the items, the employee receiving the items in the USPTO will compare the listing on the postcard against the actual items delivered to the USPTO. Id. If there are any discrepancies between the detailed listing on the postcard and the actual content of the items received in the USPTO, those items will be crossed off and noted on the postcard. Id. The USPTO employee, who received the delivery, will initial and date-stamp the postcard. The postcard will be returned by mail to the addressee whose name appears on the postcard. The return postcard will serve as evidence of receipt in the USPTO of all items listed on the postcard, except those items noted by the USPTO. That is, if the postcard receipt has been annotated to indicate that a particular paper was not received in the USPTO, the postcard receipt will not serve as evidence of receipt of that paper in the USPTO.

Unfortunately, applicants did not provide a copy of the return receipt postcard with a USPTO date-stamp. Accordingly, the petition is **dismissed**.

The Office notes that the Notice to File Corrected Application Papers required the submission of replacement drawings in compliance with 37 CFR 1.84 and 1.121(d). As stated in 37 CFR 1.84(c): "Each drawing sheet submitted after the filing date of an application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to § 1.121(d)." 37 CFR 1.121(d) reads:

> One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

The drawings submitted on petition do not comply with 37 CFR 1.84 and 1.121(d) as each drawing is not properly identified as a Replacement Sheet or New Sheet.

Any request for reconsideration of the decision dismissing the petition as to the omitted pages of specification should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

This matter is being referred to the Office of Patent Application Processing for further processing with a filing date of June 6, 2008, using only the application papers submitted on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LAW OFFICE OF JOHN W. HARBST
1180 LITCHFIELD LANE
BARTLETT IL 60103

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OCT 29 2008

OFFICE OF PETITIONS

In re Application of :
CENTENO et al. :
Application No. 12/157,041 : DECISION ON PETITION
Filed: July 31, 2008 :
Attorney Docket No. 45054.00.080 :

This is a decision on the petition filed October 10, 2008, requesting that the Office accord the above-identified application the later filing date of July 31, 2008, with pages 16 and 23 of the specification.

On June 6, 2008, applicants filed the above-identified application. On June 30, 2008, the Office mailed a Notice to File Corrected Application Papers, stating that the application had been accorded a filing date of June 6, 2008, and advising applicants that pages 16 and 23 of the specification were missing. Additionally, the Notice required the submission of replacement drawings in compliance with 37 CFR 1.84(c) and 1.121(d).

On July 31, 2008, applicants filed a petition requesting that the above-identified application be accorded the filing date of June 6, 2008, with pages 16 and 23 of the specification as part of the original disclosure. The petition was dismissed by the decision of September 23, 2008. Thereafter, the matter was referred to the Office of Patent Application Processing for processing with a filing date of June 6, 2008, without pages 16 and 23 of the specification.

On October 10, 2008, applicants filed the present petition, a petition fee, a supplemental declaration, a copy of pages 16 and 23 of the specification, and 8 sheets of replacement drawings. Applicants now request that the Office accord the application the later filing date of July 31, 2008, the date of receipt of omitted pages 16 and 23 of the specification.

The petition is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing **to change the filing date of the above-identified application to July 31, 2008**, using the application papers submitted on June 6, 2008, and pages 16 and 23 of the specification filed July 23, 2008, and to mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DAN M. DELA ROSA, ESQ.
SUITE 24C
300 E 77TH STREET
NEW YORK NY 10075

COPY MAILED

AUG 0 4 2008

In re Application of	:	
PRASAD, Kedar N. et al.	:	
Application No. 12/157,077	:	DECISION ON PETITION
Filed: June 06, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **P-0164US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 07, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Kedar Presad attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

0 3 DEC 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
KIM, Chun-Ho et al.	:	
Application No.: 12/157,120	:	
PCT No.: PCT/KR2007/000908	:	
Int. Filing Date: 21 February 2007	:	DECISION ON
Priority Date: 28 March 2006	:	
Attorney Docket No.: YPL-0565	:	PETITION
For: METHOD OF PRODUCING	:	
CHITOSAN SCAFFOLD HAVING	:	UNDER 37 CFR 1.181
HIGH TENSILE STRENGTH AND	:	
CHITOSAN SCAFFOLD PRODUCED	:	
USING THE METHOD	:	

This decision is in response to applicants' "Petition to Correct Application Filing Status," filed with the United States Patent and Trademark Office on 21 October 2008. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 09 June 2008, applicants filed *inter alia*, an application data sheet indicating that the application was a national phase filing of PCT/KR2007/000908 and included an authorization to charge required fees.

On 24 June 2008, the Office mailed a filing receipt and Response to Request For Corrected Filing Receipt, indicating that though the application indicated it was a national phase, it was a utility filing under 35 USC 111(a).

On 21 October 2008, applicants submitted this petition to correct application's filing status to a filing under 35 USC 371.

DISCUSSION

A review of the paperwork reveals that the application data sheet indicated that this filing was a filing under 35 USC 371. A review of the remainder of the file did not locate any conflicting instructions indicating that this application should be processed as other than a filing under 35 USC 371.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.181 to correct this application to a filing under 35 USC 371 is **GRANTED**.

The Filing Receipt and Response to Request For Corrected Filing Receipt, mailed 24 June 2008 are **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of the Patent Application Processing for continued processing as a national phase application.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAR 23 2009

OFFICE OF PETITIONS

Lynn DAntuono
17224 Donora Road
Silver Spring MD 20905

In re Application of
DAntuono
Application No. 12/157,124
For: June 9, 2008
For: DECK ACCESSORY BRACKET

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), March 3, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from 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 decision.

This application became abandoned August 25, 2008 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice) mailed June 24, 2008. The Notice set a two month statutory period of time for reply. No petition for extension of time pursuant to 37 CFR 1.136(a) was timely submitted. Notice of Abandonment was mailed February 26, 2009.

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(c).

The instant petition fails to satisfy requirement (3) set forth above.

Petitioner has failed to present 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.

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 "unavoidable." 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 or 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).

Petitioner states as follows:

> "During the latter part of June 2008 I received in the mail from USPTO what looked like a filing receipt upon which I read the first few pages of the receipt and placed them down to be looked at at a later time, the papers were misplaced. I didn't think to look for them after that but I did keep checking online to find out what was going on with my application; everything looked fine, all of my filing papers had been logged in my folder. I assumed that everything was on track because there was nothing to the contrary in my online folder."

Petitioner has provided no basis for a finding of unavoidable delay in responding to the Notice mailed June 24, 2008. To the extent that petitioner received the Notice dated June 24, 2008 and later lost it, loss of the Notice after receipt is not grounds for a finding of unavoidable delay.

Any renewed petition must establish that the entire period of time from the time that a reply to the Notices was due until the filing of a grantable petition was unavoidable.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply. *See*, enclosed.

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 delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand: U.S. Patent and Trademark Office
Customer Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Lynn DAntuono
17224 Donora Road
Silver Spring MD 20905

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of
DAntuono
Application No. 12/157,124
Filed: June 9, 2008
For: DECK ACCESSORY BRACKET

DECISION ON PETITION

This is a decision on the petition renewed under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned August 25, 2008 for failure to reply in a timely manner to the Notice to Correction Application Papers (Notice), mailed June 24, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed February 26, 2009. A petition under 37 CFR 1.181 was filed March 3, 2009 and dismissed March 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply to the Notice, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3205.

This application is being returned to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CELERA CORPORATION
1401 HARBOR BAY PARKWAY
ALAMEDA CA 94502

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of Bruno Domon et al Application No. 12/157,164 Filed: June 5, 2008 Attorney Docket No. CL001611-DIV	: : : : :	DECISION GRANTING PETITION

This is a decision on the petition filed October 16, 2008, requesting that the above-identified application be accorded a filing date of June 5, 2008, rather than the presently accorded date of June 6, 2008. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 5, 2008 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express mail label No. EB894289696US, showing a handwritten "date-in" of June 6, 2008. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service error and the correct date of mailing pursuant to 37 CFR 1.10 is June 5, 2008. The same Express Mail number appears on the original transmittal papers found in the application file.

A copy of the USPS Track and Confirm for Express Mail Label No. EB894289696US, indicates an acceptance date of June 5, 2008 in Oakland CA. Accordingly, this application is entitled to a filing date of June 5, 2008, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to June 5, 2008 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

1 4 DEC 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
KIM et al.	:	
Application No.: 12/157,209	:	DECISION
PCT No.: PCT/KR2006/005607	:	
Int. Filing Date: 20 December 2006	:	
Priority Date: 26 December 2005	:	
Attorney Docket No.: DUI-0003	:	
For: LASER-ROTATE ARC HYBRID WELDING	:	
SYSTEM AND THEREOF METHOD	:	

This decision is in response to applicants' "PETITION PURSUANT TO 37 CFR 1.182", filed in the United States Patent and Trademark Office (USPTO) on 13 March 2009. The petition fee has not been charged.

BACKGROUND

On 20 December 2006, applicants filed international application PCT/KR2006/005607, which designated the United States and claimed a priority date of 26 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 June 2008.

On 09 June 2008, applicants filed a submission for a new application in the United States which was accompanied by, *inter alia*, a specification, claims, abstract, drawings, an Application Data Sheet (ADS), and a declaration of inventors.

A Filing Receipt was mailed 27 June 2008.

On 13 March 2009, applicants filed the instant petition under 37 CFR 1.182 requesting that the application be changed from a filing under 35 U.S.C. 111(a) to a filing as a national stage under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.
>
> Alternatively, one of the following indications may be used:
>
> 1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or
>
> 2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the described in the identified international application.

The ADS filed 09 June 2008 states that the application is "a 371 of international [application number] PCT/KR2006/005607" filed 20 December 2006. Additionally, the declaration of inventors filed 09 June 2008 executes international application number PCT/KR2006/005607 filed 12 December 2006 by applicants as, and seeking a U.S. Patent as, the inventors of the subject matter described in PCT/KR2006/005607. There were no conflicting instructions. Accordingly, the application should have been treated as a national stage application of international application PCT/KR2006/005607 submitted under 35 U.S.C. 371. Thus, the petition under 37 CFR 1.182 is MOOT.

The Filing Receipt mailed 27 June 2008 is hereby VACATED.

Declaration of Inventors

The declaration of inventors filed 09 June 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.182 filed 13 March 2009 is **DISMISSED** as **MOOT**.

The Filing Receipt mailed 27 June 2008 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for processing the application as a national stage application of PCT/KR2006/005607.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT and TRADEMARK OFFICE

3 0 JAN 2009

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ALEXANDRIA, VA 22313-1450
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Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St – Room 2036
Chicago, ILLINOIS 60601

In re Application of FRECHEN et al Application No.: 12/157,271 PCT No.: PCT/DE2006/002223 Filing Date: 09 June 2008 Attorney Docket No.: VWWH-40097 For: INCANDESCENT HALOGEN LAMP	DECISION ON PETITION UNDER 37 CFR 1.182

This is response to applicant's "PETITION," filed on 04 September 2008, which is being treated as a petition under 1.182 to change the application type from a 35 USC 111(a) to 35 USC 371 filing. The appropriate petition fee of $400.00 set forth in §1.17(f) has been not been paid.

BACKGROUND

On 09 June 2008, applicants filed the aforementioned application as a utility application. The application was processed as a filing under 35 U.S.C. §111(a) because it was submitted using "Utility Patent Application Transmittal (PTO/SB/05)," form under 35 USC 111(a).

On 04 September 2008, petitioner filed the instant petition to convert the above application filed under 35 USC §111(a) to a national stage application filed under 35 USC §371.

DISCUSSION

U.S. statutes and regulations do not make specific provision for the requested conversion and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. In the present case, petitioner has failed to make such a showing. Petitioner is advised that because international application PCT/DE2006/002223 designated the United States, the present application may be treated as a continuation of international application PCT/DE2006/002223, with no loss of priority rights, if the requirements of 35 U.S.C. 120 are met. See MPEP 1895.

Moreover, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states in relevant part:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111. . . . <u>If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111</u>. (Emphasis added.)

As such, any intended filing under 35 U.S.C. 371 a national stage application must clearly and unambiguously be identified as such, otherwise the submission will be treated as being filed under 35 U.S.C. 111(a). Note 37 CFR 1.494(f), 1.495(g) and MPEP 1893.03(a).

At time of filing this application, there were conflicting instructions because the transmittal letter requested the filing to be treated under 35 U.S.C. 111(a), and the Application Data Sheet indicated on page 1, "Application Type" as a regular utility but it also mentioned "National Stage of: PCT/DE2006/002223." As a result, the aforementioned application was properly processed by the Office under 35 U.S.C. 111(a).

Moreover, in the present petition applicants have not made a showing that any loss of grant rights would occur if the above-captioned application remains a filing under 35 U.S.C. 111(a). Accordingly, applicants have not established sufficient cause for conversion from a 35 U.S.C. 111(a) application to an application filed under 35 U.S.C. 371. As a result, the aforementioned application was properly processed by the Office under 35 U.S.C. 111(a).

Petitioner, however, is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, because this application (Serial No. 12/157,271) and the international application (PCT/DE2006/002223) designating the United States were copending on 16 September 2007.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED.**

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

5 MAY 2009

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St – Room 2036
Chicago, ILLINOIS 60601

In re Application of FRECHEN et al Application No.: 12/157,271 PCT No.: PCT/DE2006/002223 Filing Date: 09 June 2008 Attorney Docket No.: VWWH-40097 For: METHOD AND DEVICE FOR ... WITH ODOROUS SUBBSTANCES	DECISION ON PETITION UNDER 37 CFR 1.182

This is response to applicant's "RENEWED PETITION UNDER 1.182," faxed on 02 March 2009, which is being treated as a petition under 1.182 to change the application type from a 35 USC 111(a) to 35 USC 35 USC 371 filing. The appropriate petition fee of $400.00 set forth in §1.17(f) has been charged to Deposit Account No.: 504041.

BACKGROUND

In a decision from this Office on 30 January 2009, the petition filed on 04 September 2008 was dismissed because at the time of filing there were conflicting instructions as to the treatment of the filing, thus the application was properly treated as a utility application under 35 USC 111(a).

On 02 March 2009, petitioner filed the instant renewed petition to convert the above application filed under 35 USC §111(a) to a national stage application filed under 35 USC §371 because if the application proceeds as is there would not be a proper priority claim. If denied, then the examiner should decide in the alternative petitioned to convert this application to a Continuation of PCT/DE2006/002223, and to amend the specification for priority as filed on 04 September 2008.

DISCUSSION

The renewed petition has not made a showing that any loss of grant rights would occur if the above-captioned application remains a filing under 35 U.S.C. 111(a). Petitioner argues that if the application proceeds as is there would not be a proper priority claim since the priority application was filed over year prior to the filing of this application and could be cited against the subject application. However, petitioner could remedy this situation by claiming benefit under 35 U.S.C. 120 and 365(c). As a result, the aforementioned application was properly processed by the Office under 35 U.S.C. 111(a).

Petitioner's amendment to the specification filed on **04 September 2008** to claim benefit under 35 U.S.C. 120 and 365(c) is proper.

The application will continue to proceed under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED.**

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

15 SEP 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St – Room 2036
Chicago, ILLINOIS 60601

In re Application of	DECISION ON
FRECHEN et al	
Application No.: 12/157,271	
PCT No.: PCT/DE2006/002223	RENEWED PETITION
Filing Date: 09 June 2008	
Attorney Docket No.: VWWH-40097	
For: METHOD AND DEVICE FOR ...	
WITH ODOROUS SUBSTANCES	UNDER 37 CFR 1.182

This is response to applicant's "RESPONSE TO DECISION ON PETITION," filed on 08 July 2009, which is a renewed petition that requests entry of petitioner's amendment to the specification filed on 04 September 2008 to claim benefit under 35 USC 120 and 365(c).

BACKGROUND

In a decision from this Office on 0 May 2009, the petition filed on 02 March 2009 to change the application type to a 35 USC 371 was dismissed. The decision also stated that petitioner's amendment to the specification filed on 04 September 2008 to claim benefit under 35 USC 120 and 365(c) was proper.

On 08 July 2009, petitioner filed the instant renewed petition requesting entry to Petitioner's amendment filed on 04 September 2008 to claim benefit under 35 USC 120 and 365(c).

DISCUSSION

A review Petitioner's claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter is proper because petitioner complied with the provisions of 37 CFR 1.78 to correct the claim priority to the international application. The submission was filed on 04 September 2008 within the time period required by 37 CFR 1.78(a)(2).

CONCLUSION

The petition under 37 CFR 1.182 for the reasons noted above is **GRANTED**.

Any questions concerning this matter may be directed to Rafael Bacares at (571) 272-3276. All other inquires concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application will be forwarded to Technology Center Art Unit 1797 for examination.

Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ILYA ZBOROVSKY
6 SCHOOLHOUSE WAY
DIX HILLS NY 11746

COPY MAILED

AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of

COOPER, Alex et al.
Application No. 12/157,344
Filed: June 11, 2008
Attorney Docket No.

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 June 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition does not include the evidence of the applicant's age.

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 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 3723 for action in its regular turn.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DIX HILLS NY 11746

MAILED

FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Alex **COOPER** et al.	:	
Application No. 12/157,344	:	DECISION ON PETITION
Filed: June 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 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 copy of Alex Cooper's driver's license 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 3723 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Philip J. Wyatt

Application No. 12157367

Filed: June 9,2008

Attorney Docket No. WTC0801

: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 06-MAY-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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JUL 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Doppling et al.	:	
Application Number: 12/157378	:	ON PETITION
Filing Date: 06/10/2008	:	
Attorney Docket Number: 188.650	:	
	:	

This is a decision in reference to the petition filed on June 23, 2008, which is treated as a petition under 37 CFR 1.53 and 1.183 requesting waiver of the rules in that the above-identified application be accorded a filing date of May 11, 2008.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO (2) MONTHS to be considered timely. 37 CFR 1.181(f).

On June 10, 2008, the application was filed.

On June 23, 2008, the subject petition was filed. Petitioners assert that the application was filed on May 11, 2008, by facsimile, and request that the Office waive the provisions of 37 CFR 1.6(d) and 1.8(a) and accord the application a filing date as of the date the application papers were sent by facsimile.

A copy of a USPTO Auto-Reply Facsimile Transmission report showing a date received on May 11, 2008, has also been provided. The transmission report contains a copy of a Utility Patent Application Transmittal.

Petitioner asserts, in pertinent part:

> The Patent Office accepts new patent applications as of the date received by mail in the Patent Office, the date an application is express mailed to the Patent

Office and on the date electronically sent to the Patent Office. No reason is seen for not accepting a Patent application filed by telefax since it is actually received in the Patent Office and the Patent Office accepts all other documents when filed by telefax.

APPLICABLE STATUTE AND REGULATIONS

35 U.S.C. 21 Filing date and day for taking action.

(a) The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

(b) When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day.

35 U.S.C. 111(a)(4) states, in pertinent part:

The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

37 CFR 1.6 states, in pertinent part:

(a) Date of receipt and Express Mail date of deposit . Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

(1) The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted by facsimile under paragraph (a)(3) of this section, or

filed electronically under paragraph (a)(4) of this section, no correspondence is received in the Office on Saturdays, Sundays, or Federal holidays within the District of Columbia.

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

(3) Correspondence transmitted by facsimile to the Patent and Trademark Office will be stamped with the date on which the complete transmission is received in the Patent and Trademark Office unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case the date stamped will be the next succeeding day which is not a Saturday, Sunday, or Federal holiday within the District of Columbia.

. . .

(d) Facsimile transmission. Except in the cases enumerated below, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the United States Patent and Trademark Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. See § 1.6(a)(3). To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application or other proceeding before the United States Patent and Trademark Office. The application number of a patent application, the control number of a reexamination proceeding, the interference number of an interference proceeding, or the patent number of a patent should be entered as a part of the sender's identification on a facsimile cover sheet. Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:

(1) Correspondence as specified in § 1.4(e), requiring an original signature;

(2) Certified documents as specified in § 1.4(f);

(3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile;

(4) Color drawings submitted under §§ 1.81, 1.83 through 1.85, 1.152, 1.165, 1.173, or 1.437;

(5) A request for reexamination under § 1.510 or § 1.913;

(6) Correspondence to be filed in a patent application subject to a secrecy order under § § 5.1 through 5.5 of this chapter and directly related to the secrecy order content of the application;

. . .

(9) In contested cases before the Board of Patent Appeals and Interferences except as the Board may expressly authorize.

37 CFR 1.8 states, in pertinent part:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

(2) The procedure described in paragraph (a)(1) of this section does not apply to, and no benefit will be given to a Certificate of Mailing or Transmission on, the following:

(i) Relative to Patents and Patent Applications —

(A) The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d);

. . .

37 CFR 1.183 states:

In an extraordinary situation, when justice re-quires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

ANALYSIS

At the outset, it is noted that the first named inventor's name and invention title on the petition do not match the title and first named inventor's name in Office records for the above-identified application.

Additionally, it is noted that the date the Utility Patent Application Transmittal in USPTO Office records located among the original application papers was dated June 10, 2008, by the applicant, while the copy reproduced in the Auto-Reply Facsimile Transmission is dated May 11, 2008. As such, the showing of record is that the document transmitted by facsimile is not the document which was received on June 10, 2008.

It is further noted that the Auto-Reply Facsimile Transmission cover sheet indicates that three (3) pages were received on May 11, 2008, while the Utility Patent Application Transmittal reproduced therein indicates that 10 pages of specification and eight (8) sheets of drawings were filed therewith.

Petitioners' arguments have been considered, but are not persuasive.

At the outset, the controlling provision of the applicable statute, 35 U.S.C. § 111(a), that the filing date of an application is the date that on which the specification and any required drawing are received in the USPTO. While 35 U.S.C. 21 permits the Director, by rule, to prescribe that papers deposited with the USPS to be considered filed in the USPTO on the date deposited with the USPS, the papers in question were neither deposited with the USPS, nor deposited with the USPTO, on May 11, 2008.

The granting of the relief petitioners request defeats the underlying purpose of § 111(a), and USPTO acceptance of application papers filed in order to obtain a filing date under 35 U.S.C. § 111(a) of May 11, 2008, which were filed subsequent to May 11, 2008, would improperly evade the stringent requirements of the statute. Since this is a requirement of the applicable law, the USPTO simply lacks the authority or discretion to relax any requirement of law. See Baxter Int'l, Inc. v. McGaw, Inc., 149 F.3d 1321, 1334, 47 USPQ2d 1225, 1234-1235 (Fed. Cir. 1998)(the PTO cannot, by rule, or waiver of the rules, fashion a remedy that contravenes 35 U.S.C. §§ 112, 120); A. F. Stoddard v. Dann, 564 F.2d 556, 566, 195 USPQ 97, 105 (D.C. Cir 1977), (since the USPTO is an executive branch agency, it must follow the strict provisions of the applicable statute).

Furthermore, assuming *arguendo*, the USPTO did have the authority to waive the statute in question, in order for grant of any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

Petitioners have not shown that either condition exists in this case.

Petitioners have not explained why they did not attempt to file the application in accordance with 37 CFR 1.8 and 1.10 on the date in question, or even prior to the date in question.

Thus, there is no adequate basis in the record for concluding that "justice requires" waiver or suspension of the rules in this case. A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183. See *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); *Nitto Chemical Industry. Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); *Gustafson v. Strange*, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); *In re Chicago Historical Antique Automobile Museum, Inc.*, 197 USPQ 289 (Comm'r Pats. 1978) (Since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).

Those who file at the end of a statutory bar year (35 U.S.C. 102(b)) or a priority year (35 U.S.C. 119) or who delay filing a continuing application until the last possible day for establishing continuity (35 U.S.C. 120 or 121), do not leave any opportunity to overcome any error which might occur in filing the application. The Office, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay. *See Ex parte Sassin*, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and *compare Ziegler v. Baxter v. Natta*, 159 U.S.P.Q. 378, 379 (Comm'r Pat. 1968) *and Williams v. The Five Platters, Inc.*, 510 F.2d 963, 184 USPQ 744 (CCPA 1975).

In summary, while an applicant may delay filing papers until the end of the time period for a response, the applicant assumes the risk attendant to such delay. *Ex parte Warren,* 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901).

Petitioners are reminded that 37 CFR 1.6 and 1.8 are validly promulgated regulations, and the burden remains on applicants, not the agency, to demonstrate why said regulations should be waived. In this regard, petitioners' argument that the USPTO "accepts all other documents when filed by telefax" overlooks the fact that there are a number of types of documents, as stated above in 37 CFR 1.6 and 1.8, which are not permitted to be filed by facsimile.

Lastly, assuming, *arugendo*, that the papers in question were permitted to be filed by facsimile, petitioners have not shown that the complete application (specification, including the claims, and the drawings, if any) was in fact filed on May 11, 2008. As stated previously, the Auto-Reply facsimile transmission sheet shows only that three (3) pages, not the entire application as received on June 10, 2008, were received by facsimile on May 11, 2008. Further, the copy of the application transmittal sheet reproduced on the Auto-Reply Facsimile Transmission is not the same application transmittal sheet located in the official file, as it shows a different date that the application transmittal sheet in the official file.

In summary, petitioners simply have no evidence that the application was filed on May 11, 2008, or on any date other than June 10, 2008.

At best, the showing of record reveals an intent to file three (3) pages, including the Utility Application Transmittal Sheet on May 11, 2008.

In summary, by statute the filing date of a nonprovisional application is the date that a specification and a drawing are received in the USPTO. As petitioners have not provided sufficient evidence that the application was received in the USPTO on May 11, 2008 the application papers are not entitled to a filing date of May 11, 2008.

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

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with the presently-accorded filing date.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-09

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NEW YORK NY 10036

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JAN 08 2009
OFFICE OF PETITIONS

In re Application of	:	
Doppling et al.	:	
Application Number: 12/157378	:	ON PETITION
Filing Date: 06/10/2008	:	
Attorney Docket Number: 188.650	:	
	:	

This is a decision in reference to the renewed petition filed on August 1, 2008, which is treated as a renewed petition under 37 CFR 1.53 and 1.183 requesting waiver of the rules in that the above-identified application be accorded a filing date of May 11, 2008.

The petition is again **DISMISSED**.

Any request for reconsideration must be filed within TWO (2) MONTHS to be considered timely. 37 CFR 1.181(f).

On June 10, 2008, the application was filed.

On June 23, 2008, the initial petition was filed. Petitioners assert that the application was filed on May 11, 2008, by facsimile, and request that the Office waive the provisions of 37 CFR 1.6(d) and 1.8(a) and accord the application a filing date as of the date the application papers were sent by facsimile.

On July 22, 2008, the petition was dismissed.

On August 1, 2008, the subject renewed petition was filed. Petitioners have included a copy of a USPTO Auto-Reply Facsimile Transmission report showing that 31 pages, including a Utility Patent Application Transmittal, were received in the USPTO on May 11, 2008, has also been provided.

Petitioners assert, in pertinent part: "With respect to the auto-reply facsimile transmission cover sheet, Applicants are submitting herewith the correct paper clearly showing that 31 pages were submitted on May 4, 2008 since the first transmission of 3 pages was interrupted as can be seen from the transmission times of 8:18:57 and 8:22:32."

In essence, petitioners argue again that the Office should grant the application a filing date of May 11, 2008 because the application papers were filed by facsimile in the USPTO on May 11, 2008.

In support, petitioners have provided a copy of an Auto-Reply Facsimile Transmission sheet showing that 31 pages were received in the USPTO on May 11, 2008.

APPLICABLE STATUTE AND REGULATIONS

35 U.S.C. 21 Filing date and day for taking action.

> (a) The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.
>
> (b) When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day.

35 U.S.C. 111(a)(4) states, in pertinent part:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

37 CFR 1.6 states, in pertinent part:

> (a) Date of receipt and Express Mail date of deposit. Correspondence received in the Patent and Trademark

Office is stamped with the date of receipt except as follows:

(1) The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted by facsimile under paragraph (a)(3) of this section, or filed electronically under paragraph (a)(4) of this section, no correspondence is received in the Office on Saturdays, Sundays, or Federal holidays within the District of Columbia.

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

(3) Correspondence transmitted by facsimile to the Patent and Trademark Office will be stamped with the date on which the complete transmission is received in the Patent and Trademark Office unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case the date stamped will be the next succeeding day which is not a Saturday, Sunday, or Federal holiday within the District of Columbia.

. . .

(d) Facsimile transmission. Except in the cases enumerated below, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the United States Patent and Trademark Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. See § 1.6(a)(3). To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application or other proceeding before the United States Patent and Trademark Office. The application number of a patent application, the control number of a reexamination proceeding, the interference number of an interference proceeding, or the patent number of a patent should be entered as a part of the sender's identification on a facsimile cover sheet. Facsimile

transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:

(1) Correspondence as specified in § 1.4(e), requiring an original signature;

(2) Certified documents as specified in § 1.4(f);

(3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile;

(4) Color drawings submitted under §§ 1.81, 1.83 through 1.85, 1.152, 1.165, 1.173, or 1.437;

(5) A request for reexamination under § 1.510 or § 1.913;

(6) Correspondence to be filed in a patent application subject to a secrecy order under § § 5.1 through 5.5 of this chapter and directly related to the secrecy order content of the application;

. . .

(9) In contested cases before the Board of Patent Appeals and Interferences except as the Board may expressly authorize.

37 CFR 1.8 states, in pertinent part:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

(2) The procedure described in paragraph (a)(1) of this section does not apply to, and no benefit will be given to a Certificate of Mailing or Transmission on, the following:

(i) Relative to Patents and Patent Applications –

(A) The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d);

. . .

37 CFR 1.183 states:

In an extraordinary situation, when justice re-quires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

ANALYSIS

Petitioners' arguments have been again considered, but are not persuasive. While petitioners have provided evidence showing that 31 pages were received by facsimile in the USPTO on May 11, 2008, the showing of record remains that the papers were filed by facsimile. The laws and regulations proscribe the USPTO from accepting via facsimile papers filed for purposes of obtaining an application filing date.

As stated previously, the controlling provision of the applicable statute, 35 U.S.C. § 111(a), that the filing date of an application is the date that on which the specification and any required drawing are received in the USPTO. While 35 U.S.C. 21 permits the Director, by rule, to prescribe that papers deposited with the USPS to be considered filed in the USPTO on the date deposited with the USPS, the papers in question were neither deposited with the USPS, nor deposited with the USPTO, on May 11, 2008.

The granting of the relief petitioners request defeats the underlying purpose of § 111(a), and USPTO acceptance of application papers filed in order to obtain a filing date under 35 U.S.C. § 111(a) of May 11, 2008, which were filed subsequent to May 11, 2008, would improperly evade the stringent requirements of the statute. Since this is a requirement of the applicable law, the USPTO simply lacks the authority or discretion to relax any requirement of law. See Baxter Int'l, Inc. v. McGaw, Inc., 149 F.3d 1321, 1334, 47 USPQ2d 1225, 1234-1235 (Fed. Cir. 1998)(the PTO cannot, by rule, or waiver of the rules, fashion a remedy that contravenes 35 U.S.C. §§ 112, 120); A. F. Stoddard v. Dann, 564 F.2d 556, 566, 195 USPQ 97, 105 (D.C. Cir 1977), (since the USPTO is an executive branch agency, it must follow the strict provisions of the applicable statute).

Furthermore, assuming *arguendo*, the USPTO did have the authority to waive the statute in question, in order for grant of any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985). Petitioners have not shown that either condition exists in this case.

Petitioners have not explained why they did not attempt to file the application in accordance with 37 CFR 1.8 and 1.10 on the date in question, or even prior to the date in question. In this

regard it is noted that no explanation or supporting information has been filed with the renewed petition. The mere showing that 31 pages sent by facsimile were received in the USPTO on May 11, 2008 does not constitute extraordinary circumstances in which justice requires waiver of the rules.

Simply put, there is no adequate basis in the record for concluding that "justice requires" waiver or suspension of the rules in this case. A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183. See *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); *Nitto Chemical Industry. Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); *Gustafson v. Strange*, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); *In re Chicago Historical Antique Automobile Museum, Inc.*, 197 USPQ 289 (Comm'r Pats. 1978) (Since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).

Those who file at the end of a statutory bar year (35 U.S.C. 102(b)) or a priority year (35 U.S.C. 119) or who delay filing a continuing application until the last possible day for establishing continuity (35 U.S.C. 120 or 121), do not leave any opportunity to overcome any error which might occur in filing the application. The Office, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay. *See Ex parte Sassin*, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and *compare Ziegler v. Baxter v. Natta*, 159 U.S.P.Q. 378, 379 (Comm'r Pat. 1968) *and Williams v. The Five Platters, Inc.*, 510 F.2d 963, 184 USPQ 744 (CCPA 1975).

In summary, while an applicant may delay filing papers until the end of the time period for a response, the applicant assumes the risk attendant to such delay. *Ex parte Warren,* 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901).

Petitioners are reminded that 37 CFR 1.6 and 1.8 are validly promulgated regulations, and the burden remains on applicants, not the agency, to demonstrate why said regulations should be waived.

In summary, petitioners simply have no evidence that the application was filed on May 11, 2008, or on any date other than June 10, 2008. Rather, the showing of record reveals an intent to file 31 pages, including the Utility Application Transmittal Sheet on May 11, 2008.

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

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with the presently-accorded filing date.

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

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.
12/157,390	06/10/2008	Janne Aaltonen	07374/RPM	6890

1933 7590 11/14/2008
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
STAMBER, ERIC W

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
11/14/2008	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

Commissioner for Patents
United States Patent and Trademark Office
P.O.Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED FROM
DIRECTORS OFFICE
NOV 14 2008
TECHNOLOGY CENTER

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of:	:	DECISION ON REQUEST TO
Aaltonen et al.	:	PARTICIPATE IN PATENT
Application No.: 12/157,390	:	PROSECUTION HIGHWAY PILOT
Filed: June 10, 2008	:	PROGRAM AND PETITION TO
Attorney Docket #: 07374/RPM	:	MAKE SPECIAL UNDER 37 CFR
For: Method and System for	:	1.102(d)
Delivering Advertisements	:	
To Mobile Terminals	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program, the petition under 37 CFR 1.102(d), filed August 6, 2008 and the supplemental materials filed October 7, 2008, to make the above-identified application special.

The request and petition are DISMISSED.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot is not grantable as per item (5) above. A copy of all Office actions from the UKIPO for the UKIPO application have not been provided. While applicant has indicated in the petition that the actions are available via Dossier Access System, the USPTO does not have the capability to download documents from the Dossier Access System at this time. Further, although applicant has submitted a search report as the Office action, there is no clear indication in the search report that the claims have been found patentable. Note that the search report indicates that an examination report is forthcoming.

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. Any response must be submitted by EFS Web.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Robert Weinhardt
TC3600
Business Practice Specialist

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.
12/157,390	06/10/2008	Janne Aaltonen	07374/RPM	6890

1933 7590 01/13/2009
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
STAMBER, ERIC W

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
01/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

JAN 13 2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of:	:	DECISION ON REQUEST TO
Aaltonen et al.	:	PARTICIPATE IN PATENT
Application No.: 12/157,390	:	PROSECUTION HIGHWAY PILOT
Filed: June 10, 2008	:	PROGRAM AND PETITION TO
Attorney Docket #: 07374/RPM	:	MAKE SPECIAL UNDER 37 CFR
For: Method and System for	:	1.102(d)
Delivering Advertisements	:	
To Mobile Terminals	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program in light of the petition under 37 CFR 1.102(d) filed August 6, 2008 to make the above-identified application special, the supplemental materials filed October 7, 2008, and the response filed November 25, 2008.

The request and petition are DENIED.

As indicated in the dismissal mailed November 14, 2008, a grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

As indicated in the dismissal, the request to participate in the PPH pilot is not grantable in that a copy of all Office actions from the UKIPO have not been provided and that there is no clear indication that the claims have been found patentable.

In the response filed November 25, 2008, applicant indicates that no Examination Report has been issued. While this would mean that there are no other Office actions from the UKIPO for applicant to provide, this leaves open the question of patentability. Although a Search Report has been provided, a Search Report without an Examination Report is not acceptable to show a determination of patentability by the UKIPO at least because the claims of the UKIPO application may be subject to rejections that are not based on prior art.

Further, in the remarks provided on November 25, 2008, applicant indicates that the UKIPO deems the claims allowable, "subject to the Examiner's further investigation". The Search Report provided by applicant on October 7, 2008 itself indicates that the Examination Report is delayed to "give anyone interested in the application a chance to make observations on the patentability...and to permit the search to be updated". This indicates that additional prior art could still be found and applied against the claims.

Thus, there is no persuasive showing of patentability to support this petition and 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 participation in the Patent Prosecution Highway (PPH) program will not be considered.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Robert Weinhardt
TC3600
Business Practice Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUL 21 2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re application of	:	DECISION ON REQUEST TO
Aaltonen et al.	:	PARTICIPATE IN PATENT
Application No. 12/157,390	:	PROSECUTION HIGHWAY
Filed: June 10, 2008	:	PROGRAM AND PETITION
For: METHOD AND SYSTEM FOR	:	TO MAKE SPECIAL UNDER
DELIVERING ADVERTISEMENTS	:	37 CFR 1.102(d)
TO MOBILE TERMINALS		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 6, 2008, to make the above-identified application special, the supplemental materials filed October 7, 2008, and the response filed November 25, 2008.

It is noted the request and petition filed June 17, 2009 have not been considered. As indicated in the Dismissal mailed November 14, 2008 and in the Denial mailed January 13, 2009, where the first request is not granted, applicant is given ONE opportunity to perfect the request in a renewed request. If the deficiencies are not corrected in the renewed request with the time period given, the application will await action in its regular turn. A third request will not be entertained.

Since the request and petition filed June 17, 2009 represent a third request, they have not been considered. The request and petition remain **DENIED**.

Telephone inquires concerning this decision should be directed to C. Michelle Tarae at 571-272-6727. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

C. Michelle Tarae

C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

cmt: 7/17/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/157,405	06/10/2008	Mamoru Nakajima	KPO-112-A-1	6868

7590 09/15/2009
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER
ALMATRAHI, FARIS S

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
09/15/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/14/2009 0030074360

Credit Card Refund Total: $510.00

Master C: XXXXXXXXXXXX4877

Adjustment date: 09/14/2009 NFARMER
06/12/2008 RMEBRAHT 00000011 12157405
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

LAW OFFICE OF JOHN C. MCMAHON
P.O. BOX 30069
KANSAS CITY, MO 64112

Mail Date: 04/21/2010

Applicant	: Scott A. Shick	: DECISION ON REQUEST FOR
Patent Number	: 7596936	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/157,406	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PELOQUIN, PLLC
800 FIFTH AVENUE
SUITE 4100
SEATTLE, WA 98104-3100

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Dashen Fan	:	
Application No. 12/157,426	:	ON PETITION
Filed: June 9, 2008	:	
Attorney Docket No. 41090.C011	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 29, 2009 to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed July 7, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Fourth month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 8, 2009.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

COPY MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of
Richard Heindl
Application No. 12/157,500
Filed: June 11, 2008
Attorney Docket No. **WEIGEL 244-KFM**

ON PETITION

This is a decision on the petition filed April 24, 2009, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on September 5, 2008 for failure to file a timely response to the Notice to File Missing Parts mailed July 3, 2008, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed March 9, 2009.

Petitioner asserts that a proper response was mailed on July 16, 2008. In support, petitioner submits a copy of the reply in the form of the executed oath or declaration, said to have been filed but not acknowledged with the U.S. Patent and Trademark Office, which includes a certificate of mail dated July 16, 2008 and a postcard receipt, date stamped by the USPTO on July 16, 2008, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the Notice to File Missing Parts. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRANK HARTLEY
529 E. LAS FLORES AVE.
ARCADIA CA 91006

COPY MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Hartley :
Application No. 12/157,513 : DECISION
Filed/Deposited: 11 June, 2008 :
Attorney Docket No. FH=2008-patent appl. A :

This is a decision on the petition filed on 16 March, 2009, under the provisions of 37 C.F.R. §1.137(b), seeking revival of the application as having been abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners attentions always are directed to the Commentary at MPEP §711.03(c) for guidance as to satisfying the requirements for relief under 37 C.F.R. §1.137.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (replacement drawings (37 C.F.R. §1.84, §1.121)) mailed on 3 July, 2008, with reply due absent extension of time on or before 3 September, 2008.

Application No. 12/157,513

The application went abandoned by operation of law after midnight 3 September, 2008.

The Office mailed the Notice of Abandonment on 6 March, 2009.

On 16 March, 2009, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) and averred unintentional delay, with a reply in the form of drawings.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/157,518	06/11/2008	Janne Kalliola	07373/RPM	8137

1933 7590 11/14/2008
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
STAMBER, ERIC W

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
11/14/2008	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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United States Patent and Trademark Office
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MAILED FROM
DIRECTORS OFFICE
NOV 14 2008
TECHNOLOGY CENTER

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of:	:	DECISION ON REQUEST TO
Kalliola, Janne	:	PARTICIPATE IN PATENT
Application No.: 12/157,518	:	PROSECUTION HIGHWAY PILOT
Filed: June 11, 2008	:	PROGRAM AND PETITION TO
Attorney Docket #: 07373/RPM	:	MAKE SPECIAL UNDER 37 CFR
For: Method and System for	:	1.102(d)
Delivering Messages	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program, the petition under 37 CFR 1.102(d), filed July 28, 2008 and the supplemental materials filed November 11, 2008, to make the above-identified application special.

The request and petition are DISMISSED.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot is not grantable as per item (5) above. A complete copy of all Office actions from the UKIPO for the UKIPO application have not been provided. While applicant has indicated in the petition that the actions are available via Dossier Access System, the USPTO does not have the capability to download documents from the Dossier Access System at this time. Further, although applicant has submitted a one page search report as the Office action, no Office communication was provided along with the search report, nor was any examination report provided, indicating that the claims were allowed.

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. Any response must be submitted by EFS Web.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Robert Weinhardt
TC3600
Business Practice Specialist

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.
12/157,518	06/11/2008	Janne Kalliola	07373/RPM	8137

1933 7590 01/13/2009
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
STAMBER, ERIC W

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
01/13/2009	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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JAN 13 2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of:	:	DECISION ON REQUEST TO
Kalliola, Janne	:	PARTICIPATE IN PATENT
Application No.: 12/157,518	:	PROSECUTION HIGHWAY PILOT
Filed: June 11, 2008	:	PROGRAM AND PETITION TO
Attorney Docket #: 07373/RPM	:	MAKE SPECIAL UNDER 37 CFR
For: Method and System for	:	1.102(d)
Delivering Messages	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program in light of the petition under 37 CFR 1.102(d), filed July 28, 2008 to make the above-identified application special, the supplemental materials filed November 11, 2008, and the response filed November 25, 2008.

The request and petition are DENIED.

As indicated in the dismissal mailed November 14, 2008, grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

As indicated in the dismissal, the request to participate in the PPH pilot was not grantable in that a complete copy of all Office actions from the UKIPO have not been provided and no clear indication that the claims have been found to be patentable was provided.

In the response filed November 25, 2008, applicant provided the UKIPO Combined Search and Examination Report, satisfying one of the issues raised in the dismissal. However, the Search and Examination report clearly indicates that the claims are "not patentable". See page 2 of the Search and Examination Report. Although applicant asserts in the response that no prior art rejections on the claims means that the claims are allowable "but for the invention being excluded from patentability", UKIPO's clearly stated position that the claims are "not patentable" means that the requirements for making this application special have not been met.

Thus, there is no persuasive showing of patentability in support of this petition and 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 participation in the Patent Prosecution Highway (PPH) program will not be considered.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Robert Weinhardt
TC3600
Business Practice Specialist

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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GREENBERG TRAURIG (PHX)
INTELLECTUAL PROPERTY DEPARTMENT
2450 COLORADO AVENUE , SUITE 400E
SANTA MONICA CA 90404

(For Applicant)

Venable, Campillo, Logan & Meaney PC
1938 E. Osborn Rd.
Phoenix, AZ 85016

(For Third Party Requester)

Applicant: Arlan W. Fuhr
Appl. No.: 12/157,540
Filing Date: June 11, 2008
U.S. Publication No.: US 2009/0005812 A1
Pub. Date: January 1, 2008
Title: Portable chiropractic adjustor
Attorney Docket No.: 072904.012100

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This is in response to the "Petition for Access Under 37 CFR 1.14(i)" which was received on December 1, 2008, for the above-identified application.

The petition is before the Office of Patent Legal Administration for decision.

The petition is **DISMISSED as moot.**

DECISION

MPEP § 106 states:

> The assignee of record of the entire interest in an application may intervene in the prosecution of the application, appointing an attorney or agent of his or her own choice. See 37 CFR 3.71. Such intervention, however, does not exclude the applicant from access to the application to see that it is being prosecuted properly, unless the assignee makes specific request to that effect. Any request to prevent the inventor from obtaining access to the file should be filed as a separate paper, 37 CFR 1.4(c), and should be directed to the Office of Petitions. If the request is granted, the inventor will be informed that he or she will only be permitted to inspect the application on sufficient showing why such inspection is necessary to conserve his or her rights, *In re The Kellogg Switchboard & Supply Company,* 1906 C.D. 274 (Comm'r Pat. 1906). *Of course, after the application has published pursuant to 35 U.S.C. 122(b), the application will be available to the public and any restriction on the inventor to access his or her application previously granted will no longer be in effect.*

Therefore, since the application has already issued as U.S. Publication No.: US 2009/0005812 A1, published on January 1, 2009, the request is deemed moot.

CONCLUSION

1. The petition is **DISMISSED as moot.**

2. Any further communication as to the merits of the case should be directed to the examiner of record.

3. Inquiries relating to this matter may be directed to the undersigned at (571) 272-7759.

JOSEPH F. WEISS, JR.
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 03 2008

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of	:	
Keiji Kubo et.al.	:	DECISION ON REQUEST TO
Application No. 12/157,573	:	PARTICIPATE IN PATENT
Filed: 11 June 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 8279.1190USC2	:	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 July 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 03 2008

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of Keiji Kubo et.al. Application No. 12/157,574 Filed: 11 June 2008 Attorney Docket No. 8279.1190USC1	:	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 28 July 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARSHAW RESEARCH, INC.
210 W. TECUMSEH STREET
OTTAWA KS 66067

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JUL 31 2008

In re Patent of Howe, et al. :
Patent No. 7,205,889 :
Issued : April 17, 2007 : ON PETITION
Application No. 11/007,762 :
Filed: December 8, 2004 :
Attorney Docket No. 63861
FOR: SYSTEM FOR MONITORING A PERSON'S LOCATION IN A DEFINED AREA

In re Application of Howe, et al.
Application No. 12/157,615
Filed: October 4, 2007
Attorney Docket No. 78240-63861
For: SYSTEM FOR MONITORING A PERSON'S LOCATION IN A DEFINED AREA

This is a decision on the petition under 37 CFR 1.182, filed October 19, 2007 in Application No. 11/007,762, requesting recognition of a previously filed reissue application.

Applicants attempted to file a reissue application based on Patent No. 7,205,889 on October 4, 2007. Due to inadvertent electronic filing error, the reissue application was filed as correspondence in Patent No. 7,205,889.

Petitioners request that the reissue application found in Patent No. 7,205,889 be assigned a serial number and a filing date of October 4, 2007.

The petition under 37 CFR 1.182 is **GRANTED**.

The reissue application has been assigned Application No. 12/157,615. Its filing date is October 4, 2007. All fees paid in connection with the reissue application have been transferred to the account for Application No. 12/157,615.

After the mailing of this decision, Application No. 11/007,762 will be returned to Files Repository and Application No. 12/157,615 will be referred to the Office of Patent Application Processing for further pre-examination processing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Antonio Papageorgiou, Esq.
Papageorgiou & Associates
3050 Fairfield Avenue #3G
Bronx NY 10463

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of

Edward J. Oliver
Application No. 12/157,626
Filed: June 12, 2008
Attorney Docket No. 0946-003-002

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 May 5, 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 copy of the applicant's driver's license 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 Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROY L. ANDERSON, ESQ.
WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BOULEVARD
GLENDALE CA 91208

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JUL 16 2008

OFFICE OF PETITIONS

In re Application of	:	
CANALES, Ricardo	:	
Application No. 12/157,638	:	DECISION ON PETITION
Filed: June 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **01-1278-03**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 11, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Ricardo Canales, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application for processing. This application will be accorded "special" status when pre-examination processing is done.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RIMAS LUKAS
VERTIFLEX, INC.
1351 CALLE AVANZADO
SAN CLEMENTE, CA 92673

MAILED

APR 28 2010

OFFICE OF PETITIONS

In re Application of	:	
ALTARAC, Moti et al.	:	
Application No. 12/157,647	:	DECISION ON PETITION
Filed: June 11, 2008	:	TO WITHDRAW
Attorney Docket No. **65837-8024US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 07, 2010.

The request is moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to VERTIFLEX, INC. has been revoked by the assignee of the patent application on January 15, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PERKINS COIE LLP**
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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Alexandria, VA 22313-1450
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MAY 10 2010

OFFICE OF PETITIONS

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

In re Application of	:	
Richard Campbell	:	
Application No. 12/157,658	:	DECISION ON PETITION
Filed: June 11, 2008	:	
Attorney Docket No. 1016.2150	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 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 3, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 3, 2009. Accordingly, the date of abandonment of this application is December 4, 2009. A Notice of Abandonment was mailed on December 21, 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 $755 and the publication fee of $300, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees 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 Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Aug-08

HEMINGWAY & HANSEN, LLP
1717 MAIN STREET
COMERICA BANK TOWER- SUITE 2500
DALLAS TX 75201

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AUG 27 2008

OFFICE OF PETITIONS

In re Application of	:
MacDonald and Stucker	: DECISION REFUSING STATUS
Application Number: 12/157677	: UNDER 37 CFR 1.47(a)
Filing Date: 06/12/2008	:
Attorney Docket Number:	:
P1052(18875ROUS01U)	:

This is in response to the petition under 37 CFR 1.47(a) filed on June 12, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on June 12, 2008. The application papers as filed included a declaration naming Anthony MacDonald and Brian Stucker as joint inventors, signed by joint inventor MacDonald on behalf of himself and non-signing joint inventor Stucker, and the subject petition and petition fee.

Petitioners assert, via the statement of registered patent practitioner D. Scott Hemingway, that several phone calls were made to the non-signing inventor, but that no communication in response has been received.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventors.

The petition lacks items (1) and (2).

In regards to item (1), petitioners have not shown that joint inventor Stucker was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] Based on the showing of record, it does not appear that the specification, including claims, and the drawings, if any, were among the application papers sent to the non-signing inventor.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners **must** show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

With regard to item (2), the declaration filed with the application is not in compliance with 37 CFR 1.63 in that it does not identify the residence city and state or city and foreign country for each inventor, if an inventor lives at a location which is different from where the inventor customarily receives mail.

MPEP 605.02 states, in pertinent part, that the applicant's place of residence, that is, the city and either state or foreign

---

[1] MPEP 409.03(d).

country, is required to be included in the oath or declaration in a nonprovisional application for compliance with 37 CFR 1.63.

Accordingly a new oath or declaration in compliance with 37 CFR 1.63, naming both inventors and signed by the signing inventor on behalf of himself and the non-signing inventor, must be filed with any renewed petition. The new oath or declaration must also identify the application by application number and filing date.[2]

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

---

[2] See MPEP 602.01 and 602.02.

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HEMINGWAY & HANSEN, LLP
1717 MAIN STREET
COMERICA BANK TOWER- SUITE 2500
DALLAS TX 75201

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DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of	:
MacDonald et al.	: DECISION NOTING JOINDER
Application Number: 12/157677	: OF INVENTOR AND PETITION
Filing Date: 06/12/2008	: UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number:	:
P1052(18875ROUS01U)	:

Papers filed on October 27, 2008, in response to the decision dismissing petition mailed on August 27, 2008, included a Declaration signed by the 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 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 2454 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FLOYD B. CAROTHERS
CAROTHERS AND CAROTHERS
445 FORT PITT BOULEVARD, SUITE 200
PITTSBURGH PA 15219

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JUN 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Anthony V. Sainato et al.	:	
Application No. 12/157,687	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4496	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 22, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the applicant. 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 3651 for action on the merits commensurate with this decision.

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
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PATENT PROSECUTION
O2MIRCO , INC.
3118 PATRICK HENRY DRIVE
SANTA CLARA CA 95054

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OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Densham et al.	:	
Application No. 12/157698	:	
Filing or 371(c) Date: 06/12/2008	:	ON PETITION
Attorney Docket Number:	:	
0535	:	

This decision is in response to the petition under 37 CFR 1.182 to correct inventor's name, filed September 2, 2008.

The MPEP 605.04(c), Inventor Changes Name, provides

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The petition is hereby granted.

The name of inventor Bill Densham has been changed to William Densham and the name William Densham has been entered and made of record in the above-identified application.

Receipt of the oath/declaration correcting the name of inventor Bill Densham to William Densham, filed with the present petition is hereby acknowledged.

Office records reveal that an Updated Filing Receipt with the inventor's name corrected to William Densham was mailed on September 23, 2008.

The application is being referred to Technology Center Art Unit 2838 for examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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.
12/157,701	06/12/2008	Robert A. Lawrence	DP-317468	8448

22851 7590 02/22/2010
DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY, MI 48007

EXAMINER
CHUNG TRANS, XUONG MY

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY MI 48007

In re Application of	:	
LAWRENCE et al.	:	DECISION ON PETITION
Application No. 12/157,701	:	TO MAKE SPECIAL UNDER
Filed: 12 June 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. DP-317468	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 15 January 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 439/121) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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John L. Sotomayor
106 Spring Needle Court
Cary, NC 27513

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JAN 1 5 2009

OFFICE OF PETITIONS

In re Application of
Austin I.D. Eliazar
Application No. 12/157,703
Filed: June 12, 2008
Attorney Docket No. INT-020

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John L. Sotomayer sole attorney of record. John L. Sotomayer has 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 the first named signing inventor. 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/or a proper statement under 37 CFR 3.73(b) must be submitted if an assignee has interest in this application.

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: Austin I.D. Eliazar
1061 Gold Rock Lane
Morrisville, NC 27560

cc: Integrian, Inc.
511 Davis Drive, Suite 300
Morrisville, NC 27560

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/157,703	06/12/2008	Austin I.D. Eliazar	INT-020

CONFIRMATION NO. 8442

POWER OF ATTORNEY NOTICE

John L. Sotomayor
106 Spring Needle Ct
Cary, NC 27513

OC000000034069618

Date Mailed: 01/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Sinisi et al.	:	DECISION ON PETITION
Application No. 12/157,710	:	TO WITHDRAW
Filed: June 11, 2008	:	FROM RECORD
Attorney Docket No. ZINKO 3.0-001	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 14, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action 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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Geoffrey R. Hendrey et al.	:	
Application No. 12/157,721	:	DECISION ON PETITION
Filed: June 11, 2008	:	PURSUANT TO
Attorney Docket No. 26815-14536	:	37 C.F.R. § 1.10(C)
Title: SECURE HOSTED DATABASES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.10(c), filed September 24, 2008, requesting the according of a filing date of June 11, 2008 to application number 12/157,721.

The application was deposited on June 12, 2008. On July 3, 2008, the Office mailed a filing receipt, indicating that application number 12/157,721 had been accorded a filing date of June 12, 2008.

With this petition, Petitioner has included a copy of the Express Mail label number EM056650917US.[1]

Petitioner has alleged that the application was deposited on June 11, 2008, and the Patent Office has incorrectly assigned a filing date of June 12, 2008 to the present application. Petitioner has included a copy of the Express Mail label, and it is noted that the "date in" field does not contain any text. However, the label further contains a stamp that reads "JUN 11 2008."

1 The Utility patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Although the application received a filing date of June 12, 2008, the evidence is convincing that the application papers were filed on June 11, 2008, and the Patent Office assigned the incorrect date to this application. Therefore, the application was entitled to a filing date of June 11, 2008.

Accordingly, the petition is **GRANTED**.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing. OPAP will accord a filing date of June 11, 2008 to this application, and will mail a corrected filing receipt.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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JUL 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Geoffrey R. Hendrey et al.	:	
Application No. 11/157,721	:	DECISION ON PETITION
Filed: June 11, 2008	:	TO WITHDRAW
Attorney Docket No. 26815-14536	:	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 11, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Daniel R. Brownstone on behalf of attorney/agents associated with customer number 00758. All attorneys/agents associated with customer number 00758 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Geoffrey R. Hendrey
408 Quintara Street
San Francisco, CA 94116

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/157,721	06/11/2008	Geoffrey R. Hendrey	26815-14536

CONFIRMATION NO. 8251

POWER OF ATTORNEY NOTICE

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

OC000000036784514

Date Mailed: 07/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MINA HOUTAN, PH. D.
300 CENTRAL AVENUE
EGG HARBOR TWP. NJ 08234

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AUG 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Mina Houtan :
Application No. 12/157,729 : ON PETITION
Filed: June 13, 2008 :
Title: SELF-VENTILATING, DECORATIVE :
PATIO UMBRELLA

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (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) were obtained. Accordingly, the application became abandoned on September 4, 2008. A Notice of Abandonment was mailed March 6, 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 in compliance with 37 CFR 1.84 and 37 CFR 1.121(d), Figure 4C, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

/Liana Walsh/
Liana Walsh
Petitions Examiner
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.
12/157,751	06/14/2008	Shyam V. Dighe	2008WP1	8771

7590 02/05/2010

Shyam V. Dighe
Westinghouse Plasma Corporation
P.O. Box 410
Plasma Center, Waltz Mill Site
Madison, PA 15663

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/05/2010	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

Shyam V. Dighe
Westinghouse Plasma Corporation
P.O. Box 410
Plasma Center, Waltz Mill Site
Madison PA 15663

FEB 05 2010

In re Application of	:	
Dighe et al.	:	DECISION ON PETITION
Application No. 12/157,751	:	TO MAKE SPECIAL UNDER
Filed: 6/14/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **2008WP1**	:	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 **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 48/076.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHYAM V. DIGHE
WESTINGHOUSE PLASMA CORPORATION
P.O. BOX 410
PLASMA CENTER, WALTZ MILL SITE
MADISON PA 15663

COPY MAILED
MAR 09 2010

In re application of	:	
Shyam V. Dighe et al	:	
Application No. 12/157,751	:	NOTICE
Filed: June 14, 2008	:	
Attorney Docket No. 2008WP1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 14, 2009.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/157,751	06/14/2008	Shyam V. Dighe	2008WP1	8771

7590 03/16/2010

Shyam V. Dighe
Westinghouse Plasma Corporation
P.O. Box 410
Plasma Center, Waltz Mill Site
Madison, PA 15663

EXAMINER
NECKEL, ALEXA DOROSHENK

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
03/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Shyam V. Dighe
Westinghouse Plasma Corporation
P.O. Box 410
Plasma Center, Waltz Mill Site
Madison PA 15663

MAR 16 2010

In re Application of	:	
Dighe et al.	:	DECISION ON PETITION
Application No. 12/157,751	:	TO MAKE SPECIAL UNDER
Filed: 6/14/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **2008WP1**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 2/24/2010, 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

COPY MAILED

JAN 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Bahman Sharifipour and Kaiti Hu	:	
Application No. 12/157,776	:	DECISION NOTING JOINDER AND
Filed: June 12, 2008	:	DISMISSING PETITION
Attorney Docket Number: FLEX-	:	PURSUANT TO 37 C.F.R.
01100	:	§ 1.47(A) AS MOOT
Title: AC-DC INPUT ADAPTER	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed December 12, 2008, which contains a certificate of mailing dated December 10, 2008

This application was filed on June 12, 2008, identifying Bahman Sharifipour and Kaiti Hu as joint inventors. The application was deposited without a fully executed declaration. On July 10, 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.

Along with this petition, Petitioner included, *inter alia*, the petition fee, a declaration that has been executed by Mr. Sharifipour along with the surcharge that is associated with the late submission of the same. Petitioner further included a three-month extension of time so as to make timely this response.

On January 2, 2009, Petitioner submitted a declaration that has been executed by previously non-signing joint inventor Hu.

As such, this petition 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

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of Bahman Sharifipour and Kaiti Hu Application No. 12/157,776 Filed: June 12, 2008 Attorney Docket Number: FLEX-01100 Title: AC-DC INPUT ADAPTER	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.59(B)

This is a decision on the petition filed December 12, 2008, pursuant to 37 C.F.R. § 1.59(b), requesting the expungement of the contents of a concurrently submitted sealed envelope.

The petition is **GRANTED**.

This application was filed on June 12, 2008, identifying Bahman Sharifipour and Kaiti Hu as joint inventors. The application was deposited without a fully executed declaration. On July 10, 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 petition pursuant to 37 C.F.R. § 1.47(a) was filed on December 12, 2008, in response to the above-referenced notice, and on January 2, 2009, Petitioner submitted a declaration that has been executed by previously non-signing joint inventor Hu. Consequently, the Rule 1.47 petition was dismissed as moot, via the mailing of a decision on January 12, 2009.

Concurrently with the Rule 1.47 petition, Petitioner submitted a plurality of exhibits in a sealed envelope.

37 C.F.R. §1.59 sets forth, *in toto*:

> (a)
> (1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
> (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
> (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.
> (c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.
>
> [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; para. (a)(1) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

The matter Petitioner wishes to have expunged does not form part of the original disclosure. Petitioner has included the $200 fee, and has established to the satisfaction of the Director that the expungement of this information is appropriate.

As such, **the above-referenced sealed envelope will be expunged from the file, and returned to Petitioner along with this decision.**

The Technology Center will be notified of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] 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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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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JUN 16 2009

OFFICE OF PETITIONS

Min Ming Tarng, Ph.D.
1367 Glenmoor way
San Jose CA 95129

In re Application of	:	
Tarng et al.	:	
Application No. 12/157785	:	DECISION
Filing or 371(c) Date: 06/14/2008	:	
GOLFDISNEY: GOLFDISNEY WORLD, THE	:	
TRIPLE STAR GOLFDISNEY WORLD AND	:	
SANXING GOLFDISNEY WORLD FOR	:	
TRIPLE-STAR GOLF, SANXING GOLF OF	:	
GOLFRING, GOLDDISC, GOLFBALL AND	:	
GOLFRISBEE, RINGBALL GOLF	:	

This Decision is in respose to the Petition, filed April 29, 2009, wherein Applicant asserts that a timely reply to the Notice to File Missing Parts[1], mailed July 10, 2008, was filed Express Mail on August 23, 2008 . The petition is properly treated under 37 CFR 1.10(e).

The petition is **dismissed**.

Any further petition to revive the above-identified application 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 "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Application papers in the above-identified were filed on June 14, 2008. On July 10, 2008, , the Office of Patent Application Processing mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date, and requiring replacement drawings and replacement claims. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

[1] Office records reveal that a Notice to File Corrected Application Papers was mailed on July 10, 2008; however, no Notice to File Missing Parts of Nonprovisional Application has been mailed in this application.

Applicant files the present petition and asserts that a reply to the Notice was filed on August 23, 2008 under the Express Mail provisions of the United States Postal Service ("USPS"), and having an Express Mail Label Number EB682728889. Applicant asserts that in the same Express Mail envelope Applicant included a new patent application, and that the new patent application has been assigned application serial number 12/229,412.

Initially it is noted that the petition is unacceptable because it has not been signed by all inventors. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. **This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant**.

In this instance, the signature of inventor Jwu-Ing Nieh is missing from the present petition. Therefore, as the petition is not signed by all the inventors the petition is not considered ripe for consideration. Before the petition may be considered on its merit, the signature of all inventors, (or a power of attorney to act on behalf of inventor Jwu-Ing Nieh, or an assignee of the entire interest as provided for under 37 CFR §3.71(b)), is required.

The petition is dismissed. Applicant should file a request for reconsideration of petition and include the required signature(s)..

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Min Ming Tarng, Ph.D.
1367 Glenmoor way
San Jose CA 95129

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Tarng et al.	:	
Application No. 12/157785	:	DECISION
Filing or 371(c) Date: 06/14/2008	:	
GOLFDISNEY: GOLFDISNEY WORLD, THE	:	
TRIPLE STAR GOLFDISNEY WORLD AND	:	
SANXING GOLFDISNEY WORLD FOR	:	
TRIPLE-STAR GOLF, SANXING GOLF OF	:	
GOLFRING, GOLDDISC, GOLFBALL AND	:	
GOLFRISBEE, RINGBALL GOLF	:	

This Decision is in respose to the Request for Reconsideration of Petition under 37 CFR 1.181, filed June 28, 2009, wherein Applicant asserts that a timely reply to the Notice to File Missing Parts[1], mailed July 10, 2008, was filed Express Mail on August 23, 2008 . The petition is properly treated under 37 CFR 1.10(e).

Applicant also requests correction of the name of inventor Jwu-Ing Nieh, to Jwu-Ing Tarng. A review of the oath/declaration filed with the application reveals that the name Jwu-Ing Nieh was typed thereon. Applicant does not provide the reason for the name change, but filed a newly executed oath/declaration with the original petition on June 27, 2009, that included the desired name change.

Request for Name Change

Initially Petitioner is advised that separate matters must be included on separate papers. Here, Petitioner files a request to correct the name of inventor Jwu-Ing Nieh, to Jwu-Ing Tarng, in the same document wherein Petitioner is asserting that a timely reply to the Notice to File Corrected Application Papers, mailed July 10, 2008, was filed.

[1] Office records reveal that a Notice to File Corrected Application Papers was mailed on July 10, 2008; however, no Notice to File Missing Parts of Nonprovisional Application has been mailed in this application.

The request to correct the name of the inventor is properly treated as a petition under 37 CFR 1.182. See, MPEP 201.03 and 605.04(b). The MPEP 605.04(b) provides, in relevant part, "a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

37 CFR 1.4(c) states: Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects. (Emphasis supplied).

Petitioners are advised that a separate petition and fee are required to correct the inventor's name.

Petition asserting that a timely reply was filed ((37 CFR 1.10(e))

Application papers in the above-identified were filed on June 14, 2008. On July 10, 2008, , the Office of Patent Application Processing mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date, and requiring replacement drawings and replacement claims. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

Applicant files the present petition and asserts that a reply to the Notice was filed on August 23, 2008 under the Express Mail provisions of the United States Postal Service ("USPS"), and having an Express Mail Label Number EB682728889US. Applicant asserts that in the same Express Mail envelope Applicant included a new patent application, and that the new patent application has been assigned application serial number 12/229,412.

Applicable Law, Rules and MPEP

The applicable rule, 37 CFR § 1.10, Filing of correspondence by "Express Mail", provides that

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).
> (b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an

> "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

Section (e) of 37 CFR 1.10 provides:

> Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
> (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
> (4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.
> (f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

The MPEP explains:

> 37 CFR 1.10(e) provides for the filing of a petition to accord correspondence a filing date as of the date of deposit with the USPS as "Express Mail" only where the correspondence was mailed with sufficient postage and addressed as set out in 37 CFR 1.1(a). There is no corresponding provision that correspondence be properly addressed

> and mailed with sufficient postage in 37 CFR 1.10(a), (c) and (d), because these sections apply only to correspondence that is actually received by the Office. Correspondence mailed by "Express Mail" that is actually received by the Office will not be denied a filing date as of the date of deposit as "Express Mail" simply because the correspondence was not mailed with sufficient postage or not addressed as set out in 37 CFR 1.1(a). 37 CFR 1.10(e)(3) provides that if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label, the petition should include a showing under 37 CFR 1.10(d)(3), as discussed above, that the correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date. 37 CFR 1.10(e) applies only in those situations in which the correspondence at issue was lost in toto (i.e., the entire correspondence was not delivered to the Office). Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 CFR 1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application), an applicant may not rely upon the provisions of 37 CFR 1.10(e) to establish what document(s) and/or fee(s) were filed in the Office with such correspondence. Rather, where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

Analysis

A review of application number 12/229412 reveals that the application does not contain the reply to the Notice. As such, there is a dispute as to the contents of the correspondence submitted to this Office on August 23, 2008. As noted above, where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

Applicant is advised that the best evidence of what was received in this Office is a properly itemized return receipt postcard. The Manual of Patent Examining procedure ("MPEP") provides as follows:

> If a receipt for any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from

the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard.

Users are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the USPTO for the purpose of obtaining a receipt for correspondence being filed in the USPTO. Users should check with the USPS regarding postage and what size cards are acceptable to the USPS. Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the USPS to the address provided on the postcard, and, if returned to the USPTO, may be discarded.

The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. The identifying data on the postcard should be so complete as to clearly identify the item for which a receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application). The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

Moreover, 37 CFR § 1.4, Nature of correspondence and signature requirements, states:

(b) 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. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

Here, in putatively including a reply to the Notice mailed in the present application with the contents of a new applicaiton, Applicant failed to comply with 37 CFR 1.4(b).

Conclusion

The petition is dismissed without prejudice. Petitioner's should file a request for reconsideration of petition and include the necessary evidence that the reply to the Notice was filed in Express Mail Label Number EB682728889US.

Alternate venue

If Petitioners are unable to comply with the applicable Rule as stated above, Petitioners may a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Min Ming Tarng, Ph.D.
1367 Glenmoor way
San Jose CA 95129

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SEP 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Tarng et al.	:	
Application No. 12/157785	:	DECISION
Filing or 371(c) Date: 06/14/2008	:	
GOLFDISNEY: GOLFDISNEY WORLD, THE	:	
TRIPLE STAR GOLFDISNEY WORLD AND	:	
SANXING GOLFDISNEY WORLD FOR	:	
TRIPLE-STAR GOLF, SANXING GOLF OF	:	
GOLFRING, GOLDDISC, GOLFBALL AND	:	
GOLFRISBEE, RINGBALL GOLF	:	

This Decision is in response to the Request for Reconsideration of Petition under 37 CFR 1.181, filed August 23, 2009, wherein Applicant asserts that a timely reply to the Notice to File Missing Parts[1], mailed July 10, 2008, was filed Express Mail on August 23, 2008 . The petition is properly treated under 37 CFR 1.10(e).

The petition is also properly treated under 37 CFR 1.181.

The petition under 37 CFR 1.10(e) is hereby granted.

The petition under 37 CFR 1.181 is hereby granted.

Background

Application papers in the above-identified were filed on June 14, 2008. On July 10, 2008, the Office of Patent Application Processing mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date, and requiring replacement drawings and replacement claims. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

[1] Office records reveal that a Notice to File Corrected Application Papers was mailed on July 10, 2008; however, no Notice to File Missing Parts of Nonprovisional Application has been mailed in this application.

June 28, 2009 Petition asserting that a timely reply was filed ((37 CFR 1.10(e))

Applicant filed a petition on April 29, wherein Applicant asserted that a reply to the Notice was filed on August 23, 2008 under the Express Mail provisions of the United States Postal Service ("USPS"), and having an Express Mail Label Number EB682728889US. Applicant asserted that in the same Express Mail envelope Applicant included a new patent application, and that the new patent application has been assigned application serial number 12/229,412.

August 17, 2009 Decision on petition

The petition was dismissed in a Decision mailed June 28, 2009. The Decision advised Applicant that the best evidence of what was received in this Office is a properly itemized return receipt postcard. Moreover, in putatively including a reply to the Notice mailed in the present application with the contents of a new application, Applicant failed to comply with 37 CFR 1.4(b).

The petition was dismissed without prejudice. Petitioner was advised to file a request for reconsideration of petition and include the necessary evidence that the reply to the Notice was filed in Express Mail Label Number EB682728889US.

The present request for reconsideration of petition

Petitioners file the present request for reconsideration of petition and note that the application file includes the response to the Notice. The response was filed on August 23, 2008.

In view of the foregoing, the petition is granted.

The holding of abandonment is hereby withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for processing of the response filed August 23, 2008, and for continued processing in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masahito Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7636202	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/157,839	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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APR 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul H. Cutler	:	
Application No. 12/157,842	:	DECISION ON PETITION
Filed: June 13, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 14488/1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 17, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the applicant. 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 1795 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

BAYER CROPSCIENCE LP
Patent Department
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Ernst Rudolf F. Gesing	: DECISION ON REQUEST FOR
Patent Number	: 7625841	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/157,862	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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APR 30 2009

OFFICE OF PETITIONS

KAREN DEMOOR
PO BOX 11083
CEDAR RAPIDS IA 52410

In re Application of
Karen Louise DeMoor
Application No. 12/157,884
Filed: June 13, 2008
Title of Invention: **Entertainment System for a Portable, Attachable, Multi-Faceted One-Piece Pom Pon Structure with Secured, Adjustable, Open- Ended Fastener, Optional Handle Structures, and Vehicle Attachment Capability**

: DECISION ON PETITION

This is a decision on the petition, filed February 6, 2009, which is properly treated as a petition under 37 CFR 1.10(i), requesting that the above-identified application be considered as filed on June 12, 2008, as this application was unable to be deposited with the USPS as "Express Mail" on that date due to an interruption or emergency in "Express Mail" service so designated by the Director.

The petition is **GRANTED**.

37 CFR 1.10(i) provides that any person attempting to file correspondence by "Express Mail" that was unable to be deposited with the USPS due to an interruption or emergency in "Express Mail" service which has been so designated by the Director may petition the Director to consider such correspondence as filed on a particular date in the Office. This procedure applies only when the Director designates an interruption or emergency in "Express Mail" service. In the notice designating the interruption or emergency, the Director provided guidance on the manner in which the instant petition under 37 CFR 1.10(i) should be filed. The notice was placed on the USPTO web site at www.uspto.gov and published in the Official Gazette.

To be grantable, such a petition must:

(1) be filed in a manner designated by the Director promptly after the person becomes aware of the designated interruption or emergency in "Express Mail" service;

(2) include the original correspondence or a copy of the original correspondence; and

(3) include a statement which establishes, to the satisfaction of the Director, that

the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service, and that the correspondence or copy of the correspondence is the original correspondence or a true copy of the correspondence originally attempted to be deposited with the USPS on the requested filing date.

Petitioner requests the filing date of June 12, 2008 on the basis that the application was unable to be deposited with the USPS as "Express MAIL" on that date due to an interruption or emergency in "Express Mail" service so designated by the Director. A copy of the application as filed indicates an Express Mail Number EH048282186US and is signed and dated June 12, 2008.

A review of the Official Gazette Notice issued by the USPTO noted that due to flooding several post offices were closed in Iowa since June 9, 2008.

This matter is being referred to the Office of Patent Application Processing for correction of the filing date to June 12, 2008 and not June 13, 2008, and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No.

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Ahuja et al.	:	ON PETITION
Application No. 12/157,956	:	
Filed: June 13, 2008	:	
Atty Docket No. 9237-23DV	:	

This is in response to the "PETITION TO GRANT FILING DATE OF NONPROVISIONAL APPLICATION" filed September 30, 2008, requesting that the above-referenced application be accorded a filing date of June 13, 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 June 13, 2008. However, on July 30, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. (In addition, a substitute specification and a claim listing were required).

In response, applicants timely filed this petition (and submitted a substitute specification and claim listing). Applicants petition the USPTO to grant the filing date of June 13, 2008 for the above-referenced divisional patent application on the basis that this application is a divisional application of U.S. Application No. 10/089,595 ('595) and the disclosure of the '595 application was incorporated by reference in its

[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.

entirety on the filing of this application. Further, applicants state that figures 1-4, which were inadvertently omitted from this application were filed as figures 1-4 on filing of parent application '595 and are present in that application at pp. 8-11. The petition includes an amendment requesting entry of the omitting figures, pursuant to 37 C.F.R. §1.57.

For purposes of considering entitlement to a filing date, consideration of 37 CFR 1.57 is unnecessary. It is controlling that this application as filed included 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.

A review of the application confirms that as filed the application contained at least one composition claim. 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.

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. Rather, an applicant is to file an amendment directed to the examiner to include the inadvertently omitted drawings.

To the extent the instant petition requests a filing date of June 13, 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. 50-0220, 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 June 13, 2008**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing;**
- **for processing of the responses to the Notice in the form of a substitute specification and claim listing**; and
- **for issuance of a filing receipt.**

Entry of the amendment filed September 30, 2008 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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K & L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO, CA. 92130

MAILED

MAR 30 2010

OFFICE OF PETITIONS

In re Application of :
Aladar A. SZALAY et al :
Application No. 12/157,960 :
Filed: June 13, 2008 :
Attorney Docket No. 3800002.00131 / 112 :

ON PETITION

This is a decision on the petition filed under 37 CFR 1.182, filed July 22, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. ALADAR A. SZALAY
2. NANHAI CHEN
3. YONG A. YU
4. QIAN ZHANG
5. YUMAN FONG

This application is being forwarded to Technology Center 1600, Art Unit 1648 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosed: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/157,960	06/13/2008	1648	1815	3800002.00131 / 112	59	1

CONFIRMATION NO. 9241

CORRECTED FILING RECEIPT

77202
K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

OC000000040865805

Date Mailed: 03/30/2010

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)

Aladar A. Szalay, Highland, CA;
Nanhai Chen, San Diego, CA;
Yong A. Yu, San Diego, CA;
Qian Zhang, San Diego, CA;
Yuman Fong, New York, NY;

Power of Attorney:
Stephanie Seidman--33779
Frank Miskiel--53332
Karen Potter--57254

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/19/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/157,960**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Microorganisms for imaging and/or treatment of tumors

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FEB 23 2009

OFFICE OF PETITIONS

Lt. Col. Richard E. Page, Jr.
P O Box 342/240 Allison Page Road
Aberdeen NC 28315-0342

In re Application of:	:	
Richard E. PAGE, Jr.	:	DECISION ON PETITION
Application No.: 12/157,965	:	TO MAKE SPECIAL UNDER
Filing Date: June 16, 2008	:	37 CFR 1.102(c)(1)
Attorney Docket No.:	:	

This is a decision on the petition renewed under 37 CFR 1.102(c)(1), filed October 31, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the date of birth on a copy of the driver's license of the inventor, Richard E. Page, Jr. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

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 3748 for action on the merits commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

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JUN 03 2009

OFFICE OF PETITIONS

Lt. Col. Richard E. Page, Jr.
P O Box 342/240 Allison Page Road
Aberdeen NC 28315-0342

In re Application of :
Richard Eastwood Page, Jr. :
Application No. 12/157,965 : ON PETITION
Filed: June 16, 2008 :
Attorney Docket No.

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on April 20, 2009.

The petition is **DISMISSED**.

A review of the application file history reveals that a Notice to File Corrected Application Papers was mailed on July 9, 2008, requiring a substitute specification and abstract to be filed. The notice set a shortened period for reply of two months from its mailing date and provided a detailed description of what was required to be present in the substitute specification as per 37 CFR 1.25. On August 15, 2008, applicant filed a response that included what applicant believed to be a substitute specification and an abstract. On September 8, 2008, a Notice of Incomplete Reply was mailed. A Notice of Incomplete Reply was also mailed on September 10, 2008. The notice indicated that a substitute specification remained outstanding as did a statement that no new matter was contained in the substitute specification. The notice set no new period for response and indicated that the period for reply remained as set forth in the Notice mailed July 9, 2008. On September 19, 2008, applicant filed a statement that no matter was contained in the substitute specification and requested an extension of time within the first month. It is noted that no substitute specification accompanied that papers filed September 19, 2008. On April 3, 2009, a Notice of Abandonment was mailed indicating that a proper response to the notice of July 9, 2008, was not received.

The instant petition was filed on April 10, 2009, indicating that a proper response to the Notice of July 9, 2008, was timely filed.

A preliminary review of the filing made August 15, 2008, reveals that the specification filed is not compliant with 37 CFR 1.25(c) which provides, that:

> (c) A substitute specification submitted under this section must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.

The specification filed August 15, 2008, contained no markings showing the changes made from the prior version of the specification. The Notice of Incomplete Reply mailed September 8, 2008, informed petitioner of the requirements of 37 CFR 1.25. Notwithstanding, petitioner only filed a statement indicating no new matter was contained in the specification, but did not file a new substitute specification in compliance with 37 CFR 1.25. Accordingly, a proper response to the Notice to File Corrected Application papers was not filed within the maximum period set for reply. The application, therefore, became abandoned on October 10, 2008. The petition is dismissed, accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply—a substitute specification in compliance with 37 CFR 1.25, the required petition fee ($1620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64

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Lt. Col. Richard E. Page, Jr.
P O Box 342/240 Allison Page Road
Aberdeen NC 28315-0342

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of
Richard Eastwood Page, Jr.
Application No. 12/157,965
Filed: June 16, 2008
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on June 4, 2009. This is also a decision on the petition under 37 CFR 1.137(b) filed July 6, 2009.

The petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

A review of the application file history reveals that a Notice to File Corrected Application Papers was mailed on July 9, 2008, requiring a substitute specification and abstract to be filed. The notice set a shortened period for reply of two months from its mailing date and provided a detailed description of what was required to be present in the substitute specification as per 37 CFR 1.25. On August 15, 2008, applicant filed a response that included what applicant believed to be a substitute specification and an abstract. On September 8, 2008, a Notice of Incomplete Reply was mailed. A Notice of Incomplete Reply was also mailed on September 10, 2008. The notice indicated that a substitute specification remained outstanding as did a statement that no new matter was contained in the substitute specification. The notice set no new period for response and indicated that the period for reply remained as set forth in the Notice mailed July 9, 2008. On September 19, 2008, applicant filed a statement that no matter was contained in the substitute specification and requested an extension of time within the first month. It is noted that no substitute specification accompanied that papers filed September 19, 2008. On April 3, 2009, a Notice of Abandonment was mailed indicating that a proper response to the notice of July 9, 2008, was not received.

The petition under 37 CFR 1.181 is dismissed as moot because a decision was mailed June 3, 2009, on the merits of a similar petition which was filed April 20, 2009. Additionally, the application is being revived pursuant to 37 CFR 1.137(b).

The response to the Notice to File Corrected Application Papers filed July 6, 2009, is noted.

The application file is being directed to the Office of Patent Application for further processing including consideration of the response filed July 6, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of
Sakurada, Masaki, Ishikawa, and Takahashi
Application No.: 12/157,967
Filed: June 13, 2008
Attorney Docket No: 36588-704.201
Invention: **MULTIPOTENT/PLURIPOTENT CELLS AND METHODS**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed November 11, 2008.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on June 13, 2008, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 17, 2008, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge, along with additional requirements. The instant petition was filed on November 11, 2008.

Petitioner has shown that inventor Ishikawa has refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 23-2415 will be charged $200.00 for the petition fee and $490.00 for the extension of time within the second month that is necessary in order for the petition to be considered timely.

This application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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DEC 19 2008

RAY K. SHAHANI, ESQ., ATTORNEY AT LAW
TWIN OAKS OFFICE PLAZA
477 NORTH NINTH AVENUE, SUITE 112
SAN MATEO CA 94402-1858

In re Application of :
Sakurada, Masaki, Ishikawa, and Takahashi :
Application No.: 12/157,967 : ON PETITION
Filed: June 13, 2008 :
Attorney Docket No: 36588-704.201
Invention: **MULTIPOTENT/PLURIPOTENT CELLS AND METHODS**

This is a decision on the "Petition for Expedited Review under 37 CFR 1.182" filed December 4, 2008.

The petition is **granted**.

The petition under 37 CFR 1.47(a) filed November 11, 2008, was granted by a decision mailed December 4, 2008. The petition was afforded expedited treatment under 37 CFR 1.182.

The application file is being directed to the Office of Patent Application Processing for further review.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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WILSON SONSINI GOODRICH & ROSATI
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PALO ALTO CA 94304-1050

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In re Application of :
Sakurada, Masaki, Ishikawa, and Takahashi :
Application No.: 12/157,967 : ON PETITION
Filed: June 13, 2008 :
Attorney Docket No: 36588-704.201
Invention: **MULTIPOTENT/PLURIPOTENT CELLS AND METHODS**

This is a corrected decision n the "Petition for Expedited Review under 37 CFR 1.182" filed December 4, 2008.

The petition is **granted**. The decision mailed December 19, 2008, was mailed to an incorrect address.

The petition under 37 CFR 1.47(a) filed November 11, 2008, was granted by a decision mailed December 4, 2008. The petition was afforded expedited treatment under 37 CFR 1.182.

The application file is being directed to the Office of Patent Application Processing for further review.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

05 FEB 2009

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
3 BURLINGTON WOODS DRIVE
BURLINGTON MA 01803

In re Application of	:	
JUNGWIRTH et al.	:	
Application No.: 12/158,019	:	DECISION
PCT No.: PCT/CA2006/002068	:	
Int. Filing Date: 20 December 2006	:	
Priority Date: 20 December 2005	:	
Attorney's Docket No.: PH010538US1 (TIR096)	:	
For: METHOD AND APPARATUS FOR	:	
CONTROLLING CURRENT SUPPLIED TO	:	
ELECTRONIC DEVICES	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 02 December 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 December 2006, applicants filed international application PCT/CA2006/002068, which designated the U.S. and claimed a priority date of 20 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 28 June 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 June 2008.

On 18 June 2008, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 16 September 2008, applicants filed a declaration of inventors.

On 21 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee within 30 months of the priority date.

On 02 December 2008, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the basic national fee was submitted on 02 December 2008.

As to item (2), applicants submitted the petition fee on 02 December 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 16 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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24 JUL 2008

INGRASSIA FISHER & LORENZ, P.C.
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

In re Application of POHL	:	
U.S. Application No.: 12/158,038	:	
PCT Application No.: PCT/EP2006/011618	:	
Int. Filing Date: 04 December 2006	:	DECISION
Priority Date Claimed: 06 December 2005	:	
Attorney Docket No.: 078.0009US	:	
For: DEVICE FOR ERROR DETECTION OF	:	
ADJUSTABLE FLAPS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 18 June 2008.

BACKGROUND

On 04 December 2006, applicant filed international application PCT/EP2006/011618, which claimed priority of an earlier Germany application filed 06 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 June 2008.

On 07 June 2008, international application PCT/EP2006/011618 became abandoned as to the United States for failure to timely pay the basic national fee.

On 18 June 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

Applicant is advised that the declaration filed 18 June 2008 is presently unacceptable.

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The declaration does not use an official form provided by the USPTO, i.e. USPTO Form PTO/SB/103. Applicant must submit either: (1) a declaration using the official USPTO form or (2) a statement that the translation contained in the submitted declaration is accurate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that either an oath or declaration in compliance with 37 CFR 1.497 or a statement that the translation contained in the declaration filed 18 June 2008 is correct must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATZIK, FRANK & SAMOTNY, LTD.
150 SOUTH WACKER DRIVE
SUITE 1500
CHICAGO, IL 60606

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APR 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul D. Levering, et al.	:	
Application No. 12/158,196	:	DECISION ON PETITION
Filed: June 19, 2008	:	TO WITHDRAW
Attorney Docket No. 265743-1022	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Patzik, Frank & Samotny, LTD. has been revoked by the assignee of the patent application on January 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

24 JUN 2008

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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TREGO, HINES & LADENHEIM, PLLC
9300 HARRIS CORNERS PARKWAY
SUITE 210
CHARLOTTE NC 28269-3797

In re Application of:	:	
OVEREND, Paul, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/158,224	:	
PCT No.: PCT/GB2006/004235	:	
International Filing Date: 14 November 2006	:	
Priority Date: 18 November 2005	:	
Atty Docket No.: 1026/19US	:	
For: IMPROVEMENTS IN AND	:	
RELATING TO HAIR IRONS	:	

The petition for revival under 37 CFR 1.137(b) filed 19 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 18 May 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 19 June 2008 submission included two executed declarations (Form PTO/SB/01A) and payment of the $65 small entity surcharge for filing the declaration later than thirty months after the priority date. However, the declarations are defective for failure to properly identify the applicants of record herein. Specifically, one of the declaration forms identifies and is signed by two of the three inventors herein (Paul OVEREND and Colin DAWSON), while the other declaration form identifies and is signed only by the third inventor, Andrew SHELTON. The declaration signed by inventors OVEREND and DAWSON indicates that additional inventors are being named on one additional page, and it is possible that applicants intended for the second PTO/SB/01A form to serve as such additional page to the first declaration. However, the language of the declaration forms is not consistent with such use. For

example, the second declaration, which does not reference any additional sheets, appears to identify Andrew SHELTON as the sole inventor herein.[1] Accordingly, a revised declaration in compliance with 37 CFR 1.497 is required.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration acceptable under 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] See: Form PTO/SB/02A, "Declaration, Additional Inventor(s), Supplemental Sheet."

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United States Patent and Trademark Office

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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

In re Application of	:	
Slingerland	:	
Application No. 12/158,226	:	
PCT No.: PCT/US2006/049177	:	
Int. Filing Date: 22 December 2006	:	DECISION
Priority Date: 22 December 2005	:	
Att. Docket No.: FNL0610US	:	
For: Method Of Localizing Labels In A Sample	:	

The petition to revive under 37 CFR 1.137(b) filed on 04 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 15 July 2008 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). The surcharge under 37 CFR 1.492(h) has been paid.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 July 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 4 JUN 2008

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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

In re Application of:	:	
STANIER, Peter, William	:	
U.S. Application No.: 12/158,234	:	DECISION ON PETITION
PCT No.: PCT/GB2006/004649	:	
International Filing Date: 12 December 2006	:	
Priority Date: 14 December 2005	:	
Atty Docket No.: 9931-016US	:	
For: SILICAS	:	

The petition for revival under 37 CFR 1.137(b) filed 19 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 14 June 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not filed an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/158,386	06/20/2008	Jose M. Carballido Herrera	34777-US-PCT	8446

75074 7590 06/18/2010
NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139

EXAMINER
ROBINSON, BINTA M

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
06/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NIBR.MAILDATA@NOVARTIS.COM
PATRICIA.HOFSTETTER@NOVARTIS.COM

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JUN 1 8 2010

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

In re Application of:	:
Herrera et al.	: PETITION DECISION
Serial No.: 12/158,386	:
Filed: June 20, 2008	:
Attorney Docket No.: **34777-US-PCT**	

This is in response to the request which is being treated as a Petition under 37 CFR § 1.181 filed on April 6, 2010, requesting that the finality of the Office action of March 8, 2010 be withdrawn and that a new Office action be issued.

BACKGROUND

Most recently, on March 8, 2010, the examiner mailed a final Office action.

On April 6, 2010, applicants filed a Petition under 37 CFR § 1.181 requesting that the finality of the Office action of March 8, 2010 be withdrawn.

Specifically applicants point out "The office action mailed March 8, 2010 constitutes a final rejection of claims 1 and 5. On page 3 of the office action, the Examiner states that Applicant's amendment necessitated the, new ground(s) of rejection. Applicants respectfully disagree."

DISCUSSION

The petition and the file history have been carefully considered.

Applicants' points were well taken but the examiner has now allowed the case, thus rendering this Petition moot.

DECISION

The petition is **DISMISSED AS MOOT.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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FOLEY & LARDNER LLP
3000 K STREET NW
SUITE 600
WASHINGTON DC 20007-5143

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DEC 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Glatthar et al.	:	DECISION ON PETITION
Application No. 12/158,387	:	TO WITHDRAW
Filed: June 20, 2008	:	FROM RECORD
Attorney Docket No. 093286-0155	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on December 2, 2009 the power of attorney to Foley and Lardner LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington DC 20004

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BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD NY 14526

MAILED
JUL 13 2010
OFFICE OF PETITIONS

In re Application of	:	
Antonio Francescon et al.	:	
Application No. 12/158,412	:	DECISION ON PETITION
Filed: June 20, 2008	:	
Attorney Docket No. 1237 001 301 0271	:	

This is a decision on the petition under 37 CFR 1.59(b), filed May 20, 2010, to expunge information from the above identified application and a concurrently filed petition under 37 CFR 1.183 to suspend the rules so that a redacted version of the assignment records can be filed.

The petitions are **dismissed**.

Petitioner requests that an employment document filed as part of an assignment document, filed June 16, 2009, be expunged from the record.

The petitions are deficient because the petitions do not clearly identify the information requested to be expunged. The petition under 37 CFR 1.59(b) indicates the paper to be expunged is an employment agreement filed with an assignment document on June 16, 2009. However, later in the petition it is stated that the information to be expunged was unintentionally submitted as part of the Information Disclosure Statement (IDS) filed on March 25, 2010. Therefore, the petition fails to clearly identify what information is to be expunged.

Further, both petitions indicate that the employment agreement contains personal identification information but does not indicate the nature of this information, such as a social security number, etc. The employment agreement is not in English thus this information is not readily apparent to the undersigned.

Telephone inquiries concerning this communication should be directed to the undersigned at (571)-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

IP PATENT DOCKETING
K&L GATES LLP
599 LEXINGTON AVENUE
33RD FLOOR
NEW YORK NY 10022-6030

In re Application of

PUGNO VANONI, Francesco et al.
Application No. 12/158,414
Filed: June 20, 2008
Attorney Docket No. **NY080823**

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.

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.

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: **MARK I. PEROFF, ESQ.**
HISCOCK & BARCLAY, LLP
SEVEN TIMES SQUARE
NEW YORK NY 10036

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15 OCT 2009

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JohnsonDiversey, Inc.
8310 16TH STREET, M/S 509
PO BOX 902
STURTEVANT WI 53177-0902

In re Application of	:	
WEBB (Deceased)	:	DECISION ON
Application No.: 12/158,463	:	
PCT No.: PCT/US06/60957	:	REQUEST
Int. Filing Date: 16 November 2006	:	
Priority Date: 22 December 2005	:	UNDER 37 CFR 1.42
Attorney Docket no.:JD-676A-US	:	
For: LOCK-OUT DEVICE AND METHOD	:	

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 08 October 2008.

BACKGROUND

On 20 June 2008, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 09 September 2008, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 08 October 2008, applicant filed an executed declaration identifying Shirley A. Webb as the legal representative of the deceased inventor Christopher J. Webb.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. *37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal*

representative.

The declaration submitted on 08 October 2008 identifies Shirley A. Webb as the legal representative of the deceased inventor Christopher J. Webb. However, the declaration fails to state the country of citizenship, residency and mailing address for both the deceased inventor and the legal representative. The declaration as submitted does not meet the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

In addition, the declaration as submitted is a four page declaration. However, the declaration is comprised of nine pages: four "Page 3 of 4" pages and three "Page 4 of 4" pages. The pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**. The declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
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Office of PCT Legal Administration
Telephone: (571) 272-3286
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2 3 FEB 2010

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JohnsonDiversey, Inc.
8310 16TH STREET, M/S 509
PO BOX 902
STURTEVANT WI 53177-0902

In re Application of	:	
WEBB (Deceased)	:	DECISION ON
Application No.: 12/158,463	:	
PCT No.: PCT/US06/60957	:	REQUEST
Int. Filing Date: 16 November 2006	:	
Priority Date: 22 December 2005	:	UNDER 37 CFR 1.42
Attorney Docket no.:JD-676A-US	:	
For: LOCK-OUT DEVICE AND METHOD	:	

This is a decision on applicant's renewed request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 11 December 2009.

BACKGROUND

On 08 October 2008, applicant filed an executed declaration identifying Shirley A. Webb as the legal representative of the deceased inventor Christopher J. Webb.

On 15 October 2009, a decision was mailed to applicant indicating, *inter alia*, that the declaration did not meet the requirements of 37 CFR 1.497(b) and that the declaration as submitted appeared to be a composite declaration.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

Counsel of record states that the deceased inventor and his legal representative "have the

same country of citizenship, residency and mailing address as shown in their signature block on the Declaration document." The declaration submitted on 11 December 2009 identifies Shirley A. Webb as the legal representative of the deceased inventor Christopher J. Webb and satisfies the requirements of 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

Applicant has now submitted seven complete declaration providing the entire declaration as executed by the inventor. The declarations satisfy the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**. The declarations meet the requirements of 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 11 December 2009.

/Cynthia M. Kratz/
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1 9 MAY 2009

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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of:
NEUNDORF, Robert, et al.
U.S. Application No.: 12/158,484
PCT No.: PCT/EP2006/069818
International Filing Date: 18 December 2006
Priority Date: 21 December 2005
Atty's Docket No.: BLASP5364US
For: METHOD AND DEVICE FOR CONTROLLING THE CLOSING MOVEMENT OF A CHASSIS COMPONENT FOR VEHICLES

DECISION

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 26 January 2009 and the "Withdrawal Of Petition Under 37 CFR 1.47(a) And Request For Refund Of Petition Fee" filed on 11 February 2009. Deposit Account No. 18-0988 will be charged the $200 petition fee required for the petition under 37 CFR 1.47(a).

BACKGROUND

On 18 December 2006, applicants filed international application PCT/EP2006/069818. The international application claimed a priority date of 21 December 2005, and it designated the United States. On 28 June 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 21 June 2008.

On 20 June 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 28 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 was required.

On 26 January 2009, applicants filed a response to the Notification Of Missing Requirements (with required three-month extension fee). The response included a declaration executed by six of the seven inventors of record and the petition under 37 CFR 1.47(a)

considered herein. The petition requested acceptance of the application without the signature of inventor Ulf NITZCHE, whom applicants asserted had refused to execute the application.

On 11 February 2009, applicants filed the "Withdrawal Of Petition Under 37 CFR 1.47(a) And Request For Refund Of Petition Fee" also considered herein. This submission included a declaration executed by previously non-signing inventor Ulf NITZCHE, and it requested withdrawal of the previously filed petition under 37 CFR 1.47(a) and a refund of the $200 petition fee associated with such petition.

DISCUSSION

Applicants' original petition, filed 26 January 2009, was accompanied by a declaration executed by six of the seven inventors of record. Applicants' 11 February 2009 submission included a declaration executed by the previously non-signing inventor, Ulf NITZCHE. Based on the above, applicants have now submitted a fully executed declaration in compliance with 37 CFR 1.497.[1] Accordingly, applicants' petition under 37 CFR 1.47(a) seeking acceptance of the application without the signature of all inventors is now moot.

As noted above, applicants' 11 February 2009 submission also requests withdrawal of the petition under 37 CFR 1.47(a) and a refund of the applicable petition fee; however, the filing of the petition under 37 CFR 1.47(a) on 26 January 2008 (accompanied by payment of a three-month extension fee) was necessary to avoid abandonment of the present application. Absent the accompanying petition (and fee), applicants' 26 January 2009 filing of a declaration that was not fully executed, and which applicants therefore knew was not a proper response to the Notification Of Missing Requirements, would have resulted in abandonment of the application.[2] Thus, applicants request for withdrawal of the petition under 37 CFR 1.47(a) and a refund of the applicable fee is not appropriately granted on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The request to withdraw the petition under 37 CFR 1.47(a) and for a refund of the petition fee associated with such petition is **DISMISSED** without prejudice.

Deposit Account No. 18-0988 will be charged the $200 petition fee required with respect to the petition under 37 CFR 1.47(a) and the $130 surcharge required for filing the declaration later than thirty months after the priority date.

---

[1] Deposit Account No. 18-0988 will be charged the $130 surcharge required for filing the executed declaration later than thirty months after the priority date.

[2] The declaration executed by Ulf NITZCHE, completing the fully executed, acceptable declaration, was not filed until after the expiration of the extended response period paid for by applicants on 26 January 2009.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 February 2009.

Richard M. Ross
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8 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
LARA-PEZZI et al.	:	
Application No.: 12/158,509	:	DECISION
PCT No.: PCT/EP2006/012202	:	
Int. Filing Date: 18 December 2006	:	
Priority Date: 22 December 2005	:	
Attorney Docket No.: BB-230	:	
For: METHODS OF USING THE CALCINEURIN A	:	
VARIANT CNA-BETA 1	:	

This is a decision on applicants' petition under 37 CFR 1.182 filed on 26 February 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 December 2006, applicants filed international application PCT/EP2006/012202, which designated the United States and claimed a priority date of 22 December 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 28 June 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 June 2008 (22 June 2008 being a Sunday).

On 20 June 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of inventors.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 September 2008, applicants filed a submission including, *inter alia*, an executed declaration of inventors.

On 13 November 2008, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 22 September 2008.

On 26 February 2009, applicants filed the instant submission which includes, *inter alia*, a petition under 37 CFR 1.182 and an Application Data Sheet (ADS).

DISCUSSION

The petition fee has been paid. The submission filed 26 February 2009 concerning the name of the first-named inventor explains the difference in the inventor's name as set forth in the declaration of inventors and the international application (Enrique LARA) and the ADS filed 26 February 2009 (Enrique LARA-PEZZI) and that the name on the ADS is the desired name. This explanation of the difference in names is accepted and noted for the record. The inventor's name has been changed in USPTO records.

Declaration of Inventors

The declaration of inventors filed 22 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the Technology Center for continued processing.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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2 4 MAY 2010

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In Re Application of	:	
ATARASHI et al.	:	
Application No.: 12/158,533	:	DECISION
PCT No.: PCT/JP06/320418	:	
Int. Filing Date: 12 October 2006	:	
Priority Date: 21 December 2005	:	
Attorney Docket No.: 107439-00204		:
For: ELECTRIC MOTOR	:	

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 in the above referenced application filed in the United States Patent and Trademark Office.

BACKGROUND

On 12 October 2006, applicant filed international application No. PCT/JP06/320418 which claimed a priority date of 21 December 2005 and which designated the United States. Thereafter, on 20 June 2008, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage, the basic national stage filing fee, a declaration and a specification. To meet the requirements of 35 U.S.C. 371(c), an oath or declaration, in compliance with 37 CFR 1.497(a)-(b) and an English translation of the international application was required.

On 07 January 2009, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed, indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 June 2008.

On 28 April 2009, applicant filed a Request for a Corrected Filing Receipt to correct one of the inventor's names. A corrected filing receipt was mailed on 20 July 2009.

DISCUSSION

As stated in MPEP 1893.01(d), applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in

English. *See* 35 U.S.C. 371(a)(2) and 37 CFR 1.495(c). A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings) is unacceptable.

Here, on 20 June 2008, applicant supplied an English translation of the description and claims of an application for a chemical invention (entitled Manufacturing Process for No-Donating Compounds Such as No-Donating Diclofenac). Since the English translation of the published international application entitled "Electric Motor" was not supplied, all of the 35 U.S.C. 371 requirements were not complete. The 07 January 2009 Notification of Acceptance incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 June 2008, as the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements.

The Notification of Acceptance mailed on 07 January 2009 which incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 June 2008 is hereby vacated. Applicant should submit a copy of the English translation of PCT/JP06/320418 entitled "Electric Motor".

CONCLUSION

For the reasons set forth above, the Notification of Acceptance (Form PCT/DO/EO/903) mailed on 07 January 2009 is **VACATED**, as it incorrectly indicates a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. Applicant should submit a copy of the English translation of PCT/JP06/320418 entitled "Electric Motor".

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of	:	
CHUN, SUNG DUCK et al	:	DECISION ON REQUEST TO
Application No. 12/158,646	:	PARTICIPATE IN PATENT
Filed: June 20, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2101-3506	:	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 September 11, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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SUITE 1400
LOS ANGELES, CA 90067

In re Application of: INOHIZA U.S. Application No.: 12/158,656 PCT Application No.: PCT/JP2006/325552 Int. Filing Date: 21 December 2006 Priority Date: 22 December 2005 Attorney's Docket No.: 89325.0014 For: RADIO COMMUNICATION TERMINAL AND COMMUNICATION METHOD	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is in response to the "Petition for Acceptance of Application without Participation of Inventor under 37 CFR 1.47(b)" filed 11 September 2009. The required petition fee has been paid.

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

BACKGROUND

On 21 December 2006, applicant filed international application PCT/JP2006/325552, which claims a priority date of 22 December 2005. Accordingly, the 30-month period for commencement of the national stage in the United States expired at midnight on 22 June 2008.

On 20 June 2008, the United States Designated/Elected Office (DO/EO) received from applicant a transmittal letter for entry into the national stage in the United States which was accompanied by *inter alia* the requisite U.S. basic national fee.

On 18 February 2009, the United States DO/EO mailed a "Notification of Missing Requirements under 35 U.S.C. 371" (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497.

On 11 September 2009, the present petition under 37 CFR 1.47(b) was filed with a petition for a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has satisfied items (1), (4) and (6). Items (2), (3) and (5) have not been satisfied for reasons below.

I. Insufficient Proof that Inventor Cannot be Reached After Diligent Effort

With regard to establishing that an inventor cannot be found reached after diligent effort, MPEP § 409.03(d) provides:

> *Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.*
>
> *The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.*
>
> *Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.*
>
> *The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.*

Petitioner contends that inventor Inohiza could not be reached after diligent effort. However, the petition does not include sufficient proof to establish this contention. The petition states that the inventor was sent a copy of the declaration to his last known address, but that the document was returned to Kyocera Corp. The petition appears to be based on hearsay and fails to include documentary evidence to support a finding that the inventor could not be found or reached after diligent effort. The petition also fails to identify any steps taken to locate the whereabouts of the nonsigning inventor.

II. Statement of the last known address of the inventor

The petition fails to state the last known address of the inventor, as required under 37 CFR 1.47(b).

III. Insufficient Proof of Sufficient Proprietary Interest

MPEP 409.03(f) provides:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that, as of the date the application is deposited in the Patent and Trademark Office, (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

The petition fails to include proof that (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED

JAN 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Frederick L. Jordan	:	DECISION ON PETITION
Application No. 12/158,671	:	TO WITHDRAW
Filed: September 4, 2008	:	FROM RECORD
Attorney Docket No. 58790/O249	:	

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 6, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action 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

1 5 JUL 2009

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Morgan & Finnegan Transition Team
c/o Locke Lord Bissell & Liddell
3 World Financial Center
New York, NY 10281-2101

In re Application of	:	
KANG et al.	:	
Application No.: 12/158,742	:	DECISION ON PETITIONS
PCT No.: PCT/KR2006/005871	:	UNDER
Int. Filing Date: 29 December 2006	:	37 CFR 1.182
Priority Date: 30 December 2005	:	and
Attorney's Docket No.:5096-0001	:	37 CFR 1.48(a)
For: MANUFACTURING METHOD OF GLASS-CERAMICS USING STEEL DUST IN FURNACE	:	

This decision is issued in response to applicant's "Amendment and Request to Delete Priority Claim" filed 11 November 2008. The petition seeks to correct the bibliographic data for the national stage application papers filed 23 June 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/KR2006/005871. Additionally, this decision is in response to applicant's "Request to Correct Inventorship under 37 CFR 1.48(a)"filed 10 December 2008.

BACKGROUND

On 29 December 2006, applicant filed international application PCT/KR2006/005871, which claimed a priority date of 30 December 2005. The international application named Seung Gu KANG as the sole applicant/inventor and Yoo Taek KIM; Ki Gang LEE; Jung Hwan KIM; and Hwan Sik KIM as inventors. (For the purposes of the United States, inventors Yoo Taek KIM; Ki Gang LEE; Jung Hwan KIM; and Hwan Sik KIM will be considered applicant/inventors.) Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 June 2008.

On 23 June 2008, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying two international application number PCT/KR2006/005870 and PCT/KR2006/005871; a preliminary amendment; and an executed declaration. These papers were assigned 12/158,742 and were treated as the U.S.

national stage PCT/KR2006/005870.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/KR2006/005870, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application. (A communication regarding this error was mailed to applicant on 20 April 2009.)[1]

On 11 November 2008, applicant filed "Amendment and Request to Delete Priority Claim" and "Request to Correct Inventorship under 37 CFR 1.48(a)."

On 10 December 2008, applicant filed "Request to Correct Inventorship under 37 CFR 1.48(a)" which included a declaration executed by: Seung Gu KANG; Yoo Taek KIM; Ki Gang LEE; Jung Hwan KIM; and Hwan Sik KIM.

DISCUSSION

Commencement of National Stage

The Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) submitted by the applicant identified two international application (PCT/KR2006/005870 and PCT/KR2006/005871) to which the submission was directed. The indication of two international applications on the Transmittal Letter (Form 1390) was improper. Correction of this error is required before the materials filed 23 June 2008 can be treated as having been directed to international application PCT/KR2006/005871, as necessary to avoid abandonment of the international application with respect to the United States.

Here, applicants confirm that the correct international application is PCT/KR2006/005871. (See applicant's "Amendment and Request to Delete Priority Claim" filed 11 November 2008.) Applicant's submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data and Transmittal Letter (Form 1390) filed 23 June 2008 and to permit such materials to be treated as having been directed to international application PCT/KR2006/005871.

Request to Correct Inventorship

As stated above, Seung gu KANG, Yoo Taek KIM; Ki Gang LEE; Jung Hwan KIM; and Hwan Sik KIM are considered the applicant/inventors for the above-identified application. Therefore, applicant's request under 37 CFR 1.48 is dismissed as moot. Additionally, applicant's request to delete Hyun Ju LEE is dismissed as moot, since Hyun

[1]In a telephone conversation dated 05 June 2009, applicant informed the USPTO that a letter of clarification, regarding the correct international application number, was submitted on 11 November 2008. (See "Amendment and Request to Delete Priority Claim" dated 11 November 2008.)

Ju Lee was not listed on the published international application.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

Applicant's petition under 37 CFR 1.48 is dismissed as moot.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/KR2006/005871. Papers relating to international application no. PCT/KR2006/005870 will be removed from application no. 12/158,742.

The materials filed 23 June 2008 have been assigned U.S. application number 12/158,742, and will be treated as the national stage of PCT/KR2006/005871.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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SUITE 800
WASHINGTON DC 20037

1/6/09

In re Application of	:	
HASHIMOTO, HIROMICHI	:	DECISION ON REQUEST TO
Application No. 12/158,768	:	PARTICIPATE IN PATENT
Filed: Jun. 23, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. Q107844	:	PROGRAM AND PETITION
For: OIL PASSAGE STRUCTURE OF	:	37 CFR 1.102(d)
VALVE OPERATING SYSTEM	:	

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 Dec. 23, 2008, to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition met all conditions except Item # 6 above. The request to participate in the PPH pilot program and petition fail to include:
A copy of the IDS listing four out of five documents cited by the JPO examiner.

It is noted that the JPO examiner has cited five patent publications or documents. However, the following four Japanese patent publications or documents have not been submitted with IDS filed on Jun. 23, 2008. They are Japanese Patent Application No. 2000-310156 (JP, A); Japanese Patent Application No. 60-032505 OP, U); Japanese Patent Application No. H 11-182213 (JP, A) and Japanese Patent Application No. 2000-328908 (JP, A). Receipt of a copy of Japanese Patent Application No. 2004-324636 (JP, A) is acknowledged.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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2/12/09

In re Application of	:	
HASHIMOTO, HIROMICHI	:	DECISION ON REQUEST TO
Application No. 12/158,768	:	PARTICIPATE IN PATENT
Filed: June 23, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. Q-107844	:	PROGRAM AND PETITION
For: OIL PASSAGE STRUCTURE OF	:	TO MAKE SPECIAL UNDER
VALVE OPERATING SYSTEM	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed February 6, 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) of $130.00 has been charged to the Deposit Account #15-0461 pursuant to the transmittal letter of Aug. 8, 2005.

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the requested Japanese patent publications on June 23, 2008 is

acknowledged and has been entered. This oversight is regretted. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Examiner Ching Chang, Art Unit 3748, and 571-272-4857.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

1 8 AUG 2008

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SCARBOROUGH STATION
SCARBOROUGH NY 10510-9227

In re Application of FÜRHOFF, Achim et al. Application No.: 12/158,770 PCT No.: PCT/DE2006/002259 Int. Filing Date: 15 December 2006 Priority Date: 20 December 2005 Docket No.: 73016 For: SELECTION DEVICE FOR SHIFTING A VEHICLE TRANSMISSION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 23 June 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee, or oath or declaration and the processing fee for late filing of the English translation will be charged to deposit account no. 13-0410 as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

COPY MAILED

DEC 04 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Park et al.	:	TO WITHDRAW
Application No. 12/158,889	:	FROM RECORD
Filed: October 19, 2008	:	
Attorney Docket No. 091619-0138	:	

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 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Mark A. Kassel on behalf of all practitioners of record who are associated with Customer Number 23524.

All attorneys/agents associated with the Customer Number 23524 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.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: PU SIK PARK
DONGSEONG 1-CH APT 109-802, JUKJEON 2-DONG, YONGIN-SI
GYEONGGI-DO, 448-753 REPUBLIC OF KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/158,889	10/19/2008	Pu Sik Park	091619-0138

CONFIRMATION NO. 1307

POWER OF ATTORNEY NOTICE

23524
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

OC000000039099164

Date Mailed: 12/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2009.

- 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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JUL 1 2008

In re Application of	: DECISION ON REQUEST TO
Seok-Koo KIM et al.	: PARTICIPATE IN PATENT
Application No. 12/158934	: PROSECUTION HIGHWAY
Filed: June 23, 2008	: PILOT PROGRAM AND PETITION
Attorney Docket No. 3563-0104PUS1	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008 and the preliminary amendment, filed June 23, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;

b. An English translation of the allowable/patentable claim(s), if applicable; and

c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and

b. Submit a claims correspondence table in English

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the KIPO Office action from (5) (a)(i)-(ii) above, if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Falls Church, VA 22040-0747

JUL 1 2008

In re Application of	: DECISION ON REQUEST TO
Jong-Hyeok PARK et al.	: PARTICIPATE IN PATENT
Application No. 12/158936	: PROSECUTION HIGHWAY
Filed: June 23, 2008	: PILOT PROGRAM AND PETITION
Attorney Docket No. 3563-0102PUS1	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008 and the preliminary amendment, filed June 23, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;

b. An English translation of the allowable/patentable claim(s), if applicable; and

c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and

b. Submit a claims correspondence table in English

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the KIPO Office action from (5) (a)(i)-(ii) above, if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

0 9 OCT 2008

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In re Application of SWAN, Andrew Warburton, et al. Application No.: 12/158,960 PCT No.: PCT/AU2006/001848 Int. Filing Date: 06 December 2006 Priority Date: 06 December 2005 Docket No.: 2088-129 For: A METHOD FOR ISOLATION OF HIGH CONCENTRATION OF MAGNESIUM LITHOSPERMATE B FROM SALVIAE MILTIORRHIZAE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 23 June 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 02-3978, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 23 June 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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